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## Recommendations to the City of York Safeguarding Children's Board

It is recommended that the City of York Safeguarding Children's Board :

- (1) review, comment upon and endorse this Report;
- (2) Plan for future Reports to be presented to the Board on an annual basis, holding the Local Authority to account for the timely preparation and presentation of such Reports.

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### 1. Introduction and Purpose of the Annual Report

- 1.1 The purpose of this report is to meet the statutory requirement established by the National Minimum Standards for Private Fostering 2005 that:

*The Local Authority provides a written report each year, for consideration by the Director of Children's Services, which includes an evaluation of the outcomes of its work in relation to privately fostered children within its area. (at para. 7.9)*

*The Local Authority reports annually to the chair of the Local Safeguarding Children Board on how it satisfies itself, that the welfare of privately fostered children in this area is satisfactorily safeguarded and promoted, including how it co-operates with other agencies in this connection.*

- 1.2 This report gives an overview of activities in relation to Privately Fostered children in the City of York from 01 April 2014 to 31 March 2015. The report details how the City of York Council has complied with its duties and functions in relation to Private Fostering and includes how the welfare of privately fostered children has been satisfactorily safeguarded and promoted over the past 12 months. The report also outlines the activities which have been undertaken to promote local awareness of

the notification requirements regarding children who are living in Private Fostering arrangements.

- 1.3 The report includes a summary of the statistics provided by City of York Council to the Department of Education, as part of the annual Private Fostering Return (PF1) required of all local authorities concerning numbers of new notifications, arrangements and visiting patterns. Historical and national comparative data is provided for context.
- 1.4 The structure and content of this Report takes into account the findings and recommendations of the Ofsted Thematic Report of January 2014 entitled *Private Fostering: Better Understanding, Better Information* which noted that:

*It is clear that the annual reporting process represents a significant missed opportunity to improve private fostering work (at para. 126)*

- 1.5 Additionally, in response to another recommendation within the Ofsted Thematic Report, it is noted that following consideration by the Director of Children's Services, Education and Skills and the City of York Safeguarding Children Board, this Report will be placed on the City of York Council website as a publically accessible document.

## **2. Reporting Period**

- 2.1 This Annual Report is the first to be produced for consideration by the Director of Children's Services, Education and Skills and the City of York Safeguarding Children Board since October 2011. As it is the clear intention of the National Minimum Standards that a report is produced by the Local Authority to reflect a twelve month period of activity, this Annual Report is based on activity between 01 April 2014 and 31 March 2015. Historical and national comparative data is provided for context.
- 2.2 As the Department for Education require the return of a Private Fostering dataset by 30 May of each year, it is proposed that an Annual Report is produced by the Local Authority for consideration by the Director of Children's Services, Education and Skills and the City of York Safeguarding Children Board in the month of August of each year. This also enables data from the DfE Statistical First Release for the PF1 to be incorporated within the Annual Report.

## **3. What is Private Fostering?**

- 3.1 Current arrangements for the regulation of Private Fostering originate from concern following the tragic death of Victoria Climbié in 2000. Victoria was abused and killed as a privately fostered child in a private arrangement for her care made by her parents with her Great Aunt. The Regulations for Private Fostering were codified in

the Children Act 2004. Following this, the Children (Private Arrangement for Fostering) Regulations 2005 set out the duties of local authorities in their arrangements for private fostering and statutory National Minimum Standards for Private Fostering were published in 2005.

- 3.2 Private Fostering is defined by The Children (Private Arrangements for Fostering) Regulations 2005 as an arrangement made for the care of a child or young person under the age of 16 (under 18 if disabled) by someone other than a parent or close relative (close relatives are parents, step-parents, siblings, siblings of a parent and grandparents) for 28 days or more in the carer's home. This could be an arrangement by mutual agreement between parents and the carers or a situation where a child or young person has left home against their parent's wishes and is living with a friend and the friend's family. In a private fostering arrangement, the parent retains parental responsibility for the child or young person.
- 3.3 Private Fostering arrangements are diverse. However, examples of arrangements which are private fostering include:
- Children and young people sent from abroad to stay with another family, usually to improve their educational opportunities;
  - Teenagers who, having broken ties with their parents, are staying in short term arrangements with friends or other non-relatives, sometimes known as 'sofa-surfing';
  - Children of prisoners placed with distant relatives;
  - Language students living with host families;
  - Trafficked children and young people.

A child or young person who is Looked After or placed in any residential home, hospital or school is excluded from the definition.

- 3.4 In practice, where it is unclear whether a care arrangement for a child or young person is or is not a private fostering arrangement, discussion takes place with the City of York Council Designated Manager for Private Fostering. The Designated Manager may seek legal advice as to whether the arrangement does or does not fall within the statutory definition of private fostering. Learning from this process is then shared as relevant.

## 4. The Designated Manager for Private Fostering

- 4.1 The Designated Manager for Private Fostering is a requirement of the National Minimum Standards. The role of the Designated Manager is defined as *'the person within the local authority with expertise in private fostering, whom social workers can*

*contact for advice*'. At the time of writing this Report, the Designated Manager for Private Fostering is Nik Flavell, Principal Advisor, Children's Social Care. The Designated Manager has dealt with a range of queries regarding Private Fostering over the reporting period. These primarily relate to whether the particular circumstances of a care arrangement fall within the statutory definition and how practitioners should discharge their statutory responsibilities to children privately fostered.

- 4.2 Additionally, the Designated Manager has responsibility for co-ordinating the return of required Private Fostering data to the Department for Education (PF1) and also for producing the Annual Report on Private Fostering to the Director of Children's Services, Education and Skills and the City of York Safeguarding Children Board.

## 5. National Minimum Standards

- 5.1 The National Minimum Standards for Private Fostering 2005 establishes five outcomes for private fostering, linked to a number of 'Standards'. For convenience, this Annual Report will be structured to report against these.

### **NMS: Statement on Private Fostering**

#### **NMS Outcome One:**

**Relevant staff are aware of local authority duties and functions in relation to private fostering.**

#### **NMS Standard 1:**

**The local authority has a written statement or plan, which sets out its duties and functions in relation to private fostering and the way in which they will be carried out.**

- 5.2 In June 2015 two documents were produced by the Designated Manager for Private Fostering and made available. Firstly a City of York Council *Private Fostering Statement of Purpose* detailing, in compliance with National Minimum Standards, the following:

- The legal definition of a privately fostered child and a list of examples;
- The local authority's duties and functions under the Children Act 1989 and the Children (Private Arrangements for Fostering) Regulations 2005, and how they will operate in relation to privately fostered children;
- How relevant staff will be trained to ensure they have appropriate understanding and expertise in relation to private fostering;
- The name of a person within the local authority with expertise in private fostering, whom social workers can contact for advice;

- The name of the manager(s) who will sign-off decisions about the overall suitability of an arrangement;
- How awareness of the notification requirements will be promoted with other agencies and within the wider local community;
- How the local authority will determine the suitability of all aspects of a private fostering arrangement in accordance with the regulations;
- How the local authority will satisfy itself that the welfare of privately fostered children in their area is satisfactorily safeguarded and promoted;
- The advice and support that will be available to private foster carers (including prospective private foster carers), parents and others with parental responsibility, and others concerned with the privately fostered child;
- The information and support that will be available to privately fostered children;
- Any training that may be available to private foster carers (including prospective private foster carers); and
- The role of other agencies in assisting the local authority to carry out its duty under section 67(1) of the Children Act 1989, in particular through notifying the authority of an arrangement where they are not satisfied that the local authority have been, or will be, notified of that arrangement.

This document was made available both on the City of York Council Children's Social Care Procedures website: <http://yorkchildcare.proceduresonline.com> and also on the City of York Council Yor-Ok website: <http://www.yor-ok.org.uk/families/private-fostering.htm>

5.3 Additionally, for Children's Social Care practitioners, detailed *Practice Guidance: Private Fostering* was produced by the Designated Manager for Private Fostering and made available. Guidance detailed practice expectations at various stages of the process in compliance with statutory requirements, including:

- Immediate Actions upon Notification
- Initial Assessment Visit within Seven Working Days of Date of Notification and subsequent Assessment of the suitability of the Arrangement
- Actions where there are concerns about a proposed or actual Private Fostering Arrangement
- Statutory Visits to a Child or Young Person in a Private Fostering Arrangement
- Review of Private Fostering Arrangements
- End of a Private Fostering Arrangement

This document was made available on the City of York Council Children's Social Care Procedures website: <http://yorkchildcare.proceduresonline.com>

**NMS: Notification****NMS Outcome Two:**

**The local authority is notified about privately fostered children living in its area.**

**NMS Standard 2:****The local authority:**

- 2.1 Promotes awareness of the notification requirements and ensures that those professionals who may come into contact with privately fostered children understand their role in notification;**
- 2.2 Responds effectively to notifications; and**
- 2.3 Deals with situations where an arrangement comes to their attention, which has not been notified.**

5.4 Over the reporting period from 01 April 2014 considerable effort has been made to promote public and professional awareness of Private Fostering and in particular, the requirements regarding Notification. Awareness raising activities within the period has included:

- New A5 Information Leaflet '*Private Fostering*'
- New A3 Poster '*Is your child living with another family.... if so, tell us*'
- New Yor-OK Web Page on Private Fostering
- New CYSCB Web Page on Private Fostering
- Email Banner: Private Fostering – Advice to Parents, Carers and Professionals
- Letter Banner to all Professionals – Advice to Parents, Carers and Professionals

5.5 A particularly useful focus of awareness raising activity has been the National Private Fostering Week of the 06-10 July 2015. As well as raising the profile of Private Fostering on the CYSCB and Yor-OK Websites, with the agreement of the Director of Children's Services, Education and Skills and the Assistant Director of Adult Social Care, all staff within these Directorates were emailed with an awareness raising briefing about Private Fostering. Additional awareness raising within the week included:

- Schools Bulletin (614): *Private Fostering*
- CYC Press Release 09 July 2015: *Are you Privately Fostering?*

5.6 This focus on raising the awareness of professionals in particular was informed by the findings of the Ofsted Thematic Report which found that even well-funded media 'campaigns' by Local Authorities had limited impact, noting:

*There is little evidence that ‘awareness-raising’ campaigns have any impact on self-referrals by the public, although strategies can help to raise awareness among professionals (at pg. 4)*

- 5.7 Within the reporting period of 01 April 2014 to 31 March 2015, there were **6** notifications to City of York Council. Despite awareness raising campaigns, this is still considered to be likely to be an under-representation of the number of privately fostered children and young people within York. It does however represent an increase on the previous two years returns. The DfE Statistical First Release (02 July 2015) notes that the national picture regarding notifications is ‘relatively stable’. York’s return is consistent with this overall national picture.

**Table 1: Number of children reported to local authorities as being cared for and accommodated in private fostering arrangements**

	2011	2012	2013	2014	2015
<b>City of York</b>	<b>2</b>	<b>9</b>	<b>4</b>	<b>2</b>	<b>6</b>
Y & H	120	150	110	140	100
England	1,500	1,580	1,490	1,400	1,590

- 5.8 Within the reporting period of 01 April 2014 to 31 March 2015, York returned the following biographical information in relation to the six children and young people notified to the Council as in proposed or current Private Fostering arrangements. Of the six children and young people, one was aged 5-9 years of age and five aged 10-15 years of age. Four of the six children were European. On closer analysis, all four were exchange students from Spain, staying within York with host families for longer than 28 days before returning to Spain.

**Table 2: Children Notified to York as being cared for and accommodated in private fostering arrangements (formatted as per PF1 Return)**

Age at 31 March	All Children	Place of Birth								
		UK	Europe (other)	Africa	Asia	Middle East	Oceania	Canada and US	Caribbean Central and South America	Other
<1										
1-4										
5-9	1	1								
10-15	5	1	4							
>16										
All	6	2	4							

- 5.9 The Ofsted Thematic report noted that they identified that best practice by a Local Authority should include identification and analysis of referral 'routes' and reasons for Private Fostering. Accordingly, the information regarding the six children notified to York within the reporting period is as follows:

**Table 3: Children Notified to York by Source and Narrative Reason**

Child	Notification Source	Narrative Reason for Arrangement
A	Self-Referral PF Carer	Data Surpressed
B	Language School	Data Surpressed
C	Language School	Data Surpressed
D	Language School	Data Surpressed
E	Language School	Data Surpressed
F	Other LA	Data Surpressed

From the narrative reasons identified, it is clear that targeted awareness of mental health professionals and General Practitioners in relation to Private Fostering should be a focus within the next reporting period.

- 5.10 Within the reporting period of 01 April 2014 to 31 March 2015, York returned that it had complied with the requirement that a visit be undertaken within seven working days of Notification in **0%** of cases. The DfE Statistical First Release (02 July 2015) notes that the national picture is again 'relatively stable' with 75% of Private Fostering arrangements within the reporting period visited within timescales. York's return is clearly at variance with this national picture and is also a regional outlier.

**Table 4: Percentage of cases where action was taken in accordance with requirements for carrying out an Initial Visit within 7 working days of Notification**

	2011	2012	2013	2014	2015
<b>City of York</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>50</b>	<b>0</b>
Y & H	77	84	86	83	56
England	77	77	72	80	75

- 5.11 As a consequence of reported non-compliance, an audit of the issue was carried out by the Designated Manager for Private Fostering. The results were as follows:

**Table 5: Actual Notification Dates to York and number of days to Initial Visit**

Child	Notification Date	Initial Visit	Number of Days	Within 7 days
A	Data Surpressed	Data Surpressed	13	No
B	Data Surpressed	Data Surpressed	9	No
C	Data Surpressed	Data Surpressed	18	No
D	Data Surpressed	Data Surpressed	16	No

E	Data Surpressed	Data Surpressed	25	No
F	Data Surpressed	Data Surpressed	52	No

From discussion with practitioners, it is clear that lack of familiarity with the statutory requirement under Regulations 4 and 7 to visit the home of the proposed or current arrangement within seven working days was the key contributory factor to under performance. As a consequence, a new Practice Guidance Briefing was issued to staff on the 19 June 2015. Additionally, staff within the Referral and Assessment Service and also in the Child in Need Service have been briefed during their Team Meetings as to the necessity to visit in compliance with the statutory guidance.

In specific relation to the 52 day time period, the referral of the Private Fostering arrangement was made by another Local Authority and there was some dispute as to the respective responsibilities for safeguarding and promoting the welfare of the child between authorities which was subsequently resolved.

### **NMS: Safeguarding and Promoting Welfare**

#### **NMS Outcome Three:**

**The welfare of privately fostered children is safeguarded and promoted.**

#### **NMS Standard 3:**

**The local authority determines effectively the suitability of all aspects of the private fostering arrangement in accordance with the regulations.**

- 5.12 Within the reporting period of 01 April 2014 to 31 March 2015, York returned that it had complied with the requirement that a visit be undertaken no less than every six weeks for children privately fostered for less than twelve months in **50%** of cases. The DfE Statistical First Release (02 July 2015) notes that the national picture is again 'relatively stable' with 63% of Private Fostering arrangements within the reporting period visited within timescales.

**Table 6: Percentage of cases where action was taken in accordance with requirements for carrying subsequent Visits no less than every six weeks**

	2011	2012	2013	2014	2015
<b>City of York</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>50</b>
Y & H	61	69	67	63	57
England	<b>65</b>	<b>65</b>	<b>69</b>	<b>67</b>	<b>63</b>

- 5.13 Upon closer analysis of the data, York's return is not statistically significant, with one visit within the reporting period just marginally outside of the six weeks time period. Again, in discussion with practitioners, it is clear that lack of familiarity with

the statutory requirement under Regulation 8 to visit the child no less than six weekly for the first twelve months of an arrangement was the key contributory factor to under performance. The new Practice Guidance Briefing issued to staff on the 19 June 2015 and subsequent briefings should address this issue.

- 5.14 Within the reporting period, no requirements, disqualifications or prohibitions were issued by the Council to Private Foster Carers. This is not unusual, the Ofsted Thematic Report noting the exceptionally rare use of such powers by Councils. There is no requirement that issue of Notices is reported nationally within the PF1 and this is therefore a local indicator.

**Table 7: Number of requirements, disqualifications or prohibitions issued by the Council to Private Foster Carers**

	2015
Requirements	0
Disqualifications	0
Prohibitions	0

- 5.15 On 01 June 2015 a new suite of documentation to promote the safeguarding and welfare of children and young people Privately Fostered was issued by the Designated Manager for Private Fostering. These documents have also been built on the new Case Management System for Children's Social Care for use from November 2015. The documents followed a review of national best practice pro forma's and replaced all previous Council documents. The documents are available to practitioners on the City of York Council Children's Social Care Procedures website: <http://yorkchildcare.proceduresonline.com>

- 5.16 The new documents include:

- PF1 Private Fostering Declaration Form
- Private Fostering Assessment Part B
- Private Fostering – Home Safety Checklist
- Private Fostering Statutory Visit Record
- Private Fostering – End of Arrangement Record

The use of these new documents was supported by the issue of Practice Guidance and the availability of advice and support by the Designated Manager for Private Fostering.

- 5.17 It is locally determined that an assessment of the suitability of the Private Fostering arrangement should take no more than 45 days from the Notification. The primary record for the assessment of the Private Fostering arrangement is the City of York

Council Single Assessment document. However, additionally, a locally devised 'Private Fostering Assessment Part B' document is used to record additional information obtained in the course of assessment. This includes a:

- Consideration of any issues emerging from the declarations required by Private Foster Carers;
- Consideration of any Issues resulting from DBS Certificate of Disclosure for all adult Household Members;
- Consideration of any issues resulting from Private Fostering Home Safety Checklist;
- Consideration of any issues resulting from two non-relative references obtained.

- 5.18 The CYSCB may wish to consider the multi-agency audit of Private Fostering Assessments by the Partnership, Practice, Scrutiny and Review Group within its future work plan.

### **NMS: Advice and Support**

#### **NMS Outcome Four**

**Private foster carers and parents of privately fostered children receive advice and support to assist them to meet the needs of privately fostered children; privately fostered children are able to access information and support when required so that their welfare is safeguarded and promoted.**

#### **NMS Standard 4:**

**The local authority provides such advice and support to private foster carers and prospective private foster carers as appears to the authority to be needed.**

#### **NMS Standard 5:**

**The local authority provides advice and support to the parents of children who are privately fostered within their area as appears to the authority to be needed.**

#### **NMS Standard 5:**

**Children who are privately fostered are able to access information and support when required so that their welfare is safeguarded and promoted. Privately fostered children are enabled to participate in decisions about their lives.**

- 5.19 The allocated Social Worker assessing the suitability of the arrangement and ensuring the privately fostered child is safe and well cared for has responsibility to identify the advice and support required by the child, private foster carers, parents and others. During the assessment, consideration is given as to whether it is appropriate for the private foster carers to access specific training or information

materials to support them in caring for the individual privately fostered child. Given the very small numbers of identified Private Foster Carers within the City – two sets of carers – advice and support is provided on an ad hoc basis on a needs-led basis. For example, where appropriate the assessing Social Worker might offer advice on benefit entitlement, parenting strategies and techniques and information about locally available services.

- 5.20 Likewise, given the very small numbers of identified parents of children and young people privately fostered within the City, advice and support is provided on an ad hoc basis on a needs-led basis. For example, where appropriate the assessing Social Worker might offer advice about local service provision which may remove the need for the child to be privately fostered.
- 5.21 Advice and support for all children and young people cared for by Private Foster Carers is provided by the allocated Worker. Children and young people are visited frequently to ensure that they are safe and appropriately cared for. The child will be seen alone on each visit unless this is not appropriate having regard to the young age of the child or if the child does not wish to see the Worker alone. Where appropriate, a privately fostered child or young person may be referred to the City of York Children's Rights Officer for advocacy advice and support.

### **NMS: Monitoring Compliance with Duties and Functions in relation to Private Fostering**

#### **NMS Outcome Seven**

**The local authority monitors the way in which it discharges its duties and functions in relation to private fostering.**

#### **NMS Standard 7:**

**The local authority has in place and implements effectively a system for monitoring the way in which it discharges its duties and functions in relation to private fostering. It improves practice where this is indicated as necessary by the monitoring system.**

- 5.22 Over the reporting period the City of York Council has complied with the statutory requirement to produce and provide the Department for Education with a return relating to Private Fostering activity between the 01 April 2014 and 31 March 2015. This is known as the PF1 Return.
- 5.23 The Case Management System currently in use by Children's Social Care has had very limited reporting functionality in relation to Private Fostering. Within the next reporting period, from November 2015, City of York Council will commence use of a new Case Management System with significantly improved reporting. This will

enable Managers to have access to ‘real time’ performance management information around practice, such as visiting frequencies and compliance with timescales. Additionally, as the new Case Management System is work flow based, this will introduce the ability for practitioners, Managers and performance management and quality assurance oversight to review the child’s journey under Private Fostering arrangements, identifying any practice and service improvements required for the child.

- 5.24 Over the reporting period the case records of privately fostered children have not been subject to systematic single agency or multi-agency audit. The CYSCB may wish to consider the multi-agency audit of Private Fostering Assessments by the Partnership, Practice, Scrutiny and Review Group within its future work plan.
- 5.25 This Annual Report is the first to be produced for consideration by the Director of Children’s Services, Education and Skills and the City of York Safeguarding Children Board since October 2011. As the Ofsted Thematic Report suggests, this has been a ‘missed opportunity’ to improve and develop Private Fostering. This Report seeks to address this deficit and establish the Annual Report as a key driver for future, annual, systematic review of the way in which City of York Council discharges its duties and functions in relation to Private Fostering.

## 6. Summary

- 6.1 This is the first Private Fostering Annual Report to be produced and presented for consideration by the Director of Children’s Services, Education and Skills and the City of York Safeguarding Children Board since October 2011. It has been produced by the Designated Manager for Private Fostering to comply with statutory Guidance.
- 6.2 The Ofsted Thematic Report of January 2014 *Private Fostering: Better Understanding, Better Information* observed that:

*Local Authorities find the work [in relation to Private Fostering] onerous and, given the small volumes involved, disproportionately consuming of their time (at para. 140)*

It is arguably the case that the City of York Council would support this conclusion. As the dataset suggests, numbers of identified Privately Fostered children are low and, despite awareness raising, are likely to continue to be low. Nevertheless, as Private Fostering is a statutory requirement, significant work has been undertaken over the past year to review, update and develop the way in which City of York Council discharges its duties and functions in relation to Private Fostering, culminating in the preparation and presentation of this Report. Learning from the cases and from

national data and the Ofsted Thematic Report has informed the local offer and over the next twelve months it is anticipated that performance should significantly improve to this small but vulnerable group of children and young people.

## 7. Action Plan 2015/16

7.1 Over the coming year, the following Action Plan by the Council will be implemented by the Designated Manager for Private Fostering and reported upon:

Action	Measure of Success	By When
Targeted Awareness Raising of Mental Health Professionals	Increased Notifications from Mental Health Professionals when parents are admitted as in-patients or require the care of children by others	31/12/2015
Targeted Awareness Raising of Language Schools in York	Increased Notifications of students from abroad staying with host families over 28 days	31/12/2015
Embed new forms and practice around Private Fostering on Mosaic Case Management System	Improved performance	31/12/2015
Practice Briefings to remaining Teams	Improve performance, particularly in relation to Reg 4.7 Visits within 7 days	31/12/2015
Thematic Audit of Case Records of children Privately Fostered	Better understanding of the assessment and review of Private Fostering arrangements	31/03/2016
Use of National Private Fostering Week 2016 to raise public and professional awareness	Increased Notifications resulting from greater awareness within York	01/08/2016
Production of PF1 2015/16	Statutory Compliance	30/05/2016
Production of Annual Report	Statutory Compliance	31/08/2016

## 8. Recommendations to the City of York Safeguarding Children's Board

It is recommended that the City of York Safeguarding Children's Board:

- (1) review, comment upon and endorse this Report;
- (2) Plan for future Reports to be presented to the Board on an annual basis, holding the Local Authority to account for the timely preparation and presentation of such Reports.

**Nik Flavell**

Designated Manager for Private Fostering and Principal Advisor

Children's Social Care

05 August 2015