



Practice Guidance: Private Fostering

The Children (Private Arrangements
for Fostering) Regulations 2005



I. Introduction

The Children Act 1989 Section 66 defines a 'privately fostered child' as:

A child who is under 16 years, or 18 if disabled, who is cared for and provided with accommodation in their own home by someone *other* than:

- His or her parent;
- Another person who is not his or her parent but who has **Parental Responsibility** for him or her;
- A child's relative - defined by the Children Act 1989 Section 105(1) as a grandparent, brother, sister, uncle or aunt (whether of full or half blood or by affinity (marriage) or civil partnership), or step parent.

And the child has been or is intended to be cared for and accommodated by that person for 28 days or more.

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.

A child is not privately fostered if they are cared for in any of the following:

- Children's residential home/unit;
- School in which the child is receiving full-time education - residential or boarding school (but see 2.1 below in relation to school holidays);
- NHS hospital where the child is a patient for 28 days or more;
- Residential care home, nursing home or psychiatric nursing home or in a home/institution provided, equipped or maintained by the secretary of state.

Nor is a child privately fostered if:

- The child is looked after by the local authority;
- Placed in the care of a person who proposes to adopt the child under arrangements made by an adoption agency in line with adoption legislation.
- If a period of care lasts for 27 days or less but if it is intended that further periods are planned which total 28 days or more then private fostering procedures apply.
- A break for a short period e.g. a weekend would not affect the total calculation of the number of days of placement. Such a break does not constitute the end of a private fostering arrangement.
- Children under the age of 8 years cared for continuously for a period up to 27 days, which includes overnight stays, are subject of child minding regulations. (Note), if this timescale is exceeded then this becomes a private fostering arrangement. The calculation of whether this period exceeds 27 days includes weekend and short stays that together total 28 days or more over a 12 month period.

A person who from the outset intends to foster a child for 28 days or more becomes a private foster carer on the day on which the child is first cared for.

A private foster carer becomes responsible for day to day care which promotes the safety and welfare of the fostered child. Overarching responsibility for the safety and wellbeing of a privately fostered child remains with the parent or person with parental responsibility. Parental responsibility is **not** transferable.

Children's Services are required to satisfy themselves that where private foster care arrangements are made, they are safe and satisfactory in every respect, and meet the needs of the child. Where a child is privately fostered they do not become a 'Looked After' Child.

Where it is unclear whether a care arrangement for a child or young person is, or is not a private fostering arrangement, discussion should take place with the Designated Manager for Private Fostering Rose Howley.

2. Private Fostering - Specific Circumstances

2.1 Schools/Sports Academies

Where a child under 16 years is a pupil at a school or sports academy and lives at the school during school holidays for a period of more than 2 weeks, (s)he should be regarded as a privately fostered child.

The person who proposes to care for one or more children at the school will be treated as a private foster carer. They must give notice to Children's Social Care via York's Multi-agency safeguarding hub (MASH) giving the estimated number of children concerned.

Where a child ceases to be privately fostered the school shall give written notice to Children's Social Care. Via MASH where a privately fostered child dies the school must notify the parent, person with Parental Responsibility and Children's Social Care immediately.

On other occasions a parent may make arrangements for children from abroad who are being educated in this country, to be cared for by friends or family or 'host' families during weekends and school holidays. These arrangements may constitute private fostering if they are to be for more than 27 days during a year and are not with relatives as defined by the Children Act 1989.

Guardianship organisations who arrange placements with 'host' families have a duty to notify Children's Social Care via MASH if the placement is intended to last for more than 28 days. Children's Social Care key relationship is with the child and private foster carer in these circumstances and not the organisation.

2.2 Summer Schools

When an organisation arranges a summer school where children are to stay either at the school or with host families for 28 days or more this constitutes a private fostering arrangement and Children's Social Care via MASH should be notified by the school or the organisation. .

2.3 Language Schools

Children attending language schools that are cared for by 'host families' for a period of 28 days or more, should be regarded as a privately fostered and Children's Social Care via MASH be notified.

2.4 Cultural Exchange Visits

Children often come to this country on cultural exchanges arranged by their schools. In these circumstances children often stay with 'host' families and these arrangements may come under the remit of private fostering.

The schools arranging these visits should formally notify Children's Social Care prior to the arrangement starting.

2.5 Children Accessing Medical Treatment

Children sometimes come to this country to access medical treatment and are sometimes unaccompanied. Parents or other organisations may have made arrangements for the child's care which constitutes private fostering. The parent and organisation have a duty to inform Children's Social Care for the relevant area, it is also expected that health professionals will make the necessary notification in these circumstances.

3. Awareness Raising of Private Fostering Notification Requirements

The Children Act 2004 places a duty on local authorities to promote public awareness in their area of the statutory notification requirements regarding private fostering. In York awareness raising and communication will be undertaken as a partnership and using a range of media, including posters, leaflets, and web articles and training opportunities. There is a multi-agency steering group, a statement of purpose and an annual report sent to the City of York safeguarding children partnership executive.

Copies of the most up-to-date awareness raising publicity are available on the Children's Social Care Procedures Forms Library or from the CYSCP Private Fostering webpage.

4. Multi Agency Responsibilities

If a professional becomes aware of a private fostering arrangement or an intended private fostering arrangement they must encourage the parent or carer to notify York MASH of the arrangement. Where it is felt that the arrangement has not, and will not be notified, the professional should contact York MASH directly. There will not be a breach of confidentiality, and it may help to safeguard the welfare of the child/ren concerned.

5. Designated Manager for Private Fostering

The Designated Manager for Private Fostering is a statutory requirement. At the point this Guidance is issued, the Designated Manager for Private Fostering is:

Rose Howley

Head of Service for MASH, Assessment and Targeted Intervention
Children's Social Care

Rose.Howley@york.gov.uk

The Designated Manager has responsibility for co-ordinating Department for Education returns and also for producing the Annual Report on Private Fostering.

6. Immediate Actions upon Notification

As soon as a Local Authority becomes aware of a proposed arrangement to privately foster a child or young person within their area, or where a child or young person is being privately fostered within their area, the Local Authority must assess the suitability of the arrangement.

Where a child or young person already has an allocated Social Worker, then the private foster carer, those with parental responsibility or any professional working with a child or young person must contact the Social Worker to notify them of the arrangement. The allocated Social Worker will be responsible for carrying out an initial visit and private fostering assessment.

Where a child or young person does not have an allocated Social Worker, including those children receiving support from the Child in Need Service, then the private foster carer, those with parental responsibility or any professional working with a child or young person must contact (MASH@york.gov.uk) to notify the Local Authority of the arrangement. A Social Worker will be allocated to carry out the initial visit and undertake the Private Fostering Assessment.

Whilst local authorities do not formally approve or register private foster carers, they have a duty to satisfy themselves that the welfare of a privately fostered child or young person within their area is being safeguarded and promoted.

The [Private Fostering Arrangements for Fostering Regulations \(2005\) Regulation 3](#) require that:

Any person who proposes to privately foster a child must notify Children's Social Care for the relevant area of the proposal at least 6 weeks before the date on which the private fostering arrangement is to begin or immediately if the arrangement is to start inside 6 weeks or has already started;

Any person, parent or person with parental responsibility who is involved in arranging for a child to be privately fostered must notify Children's Social Care at least six weeks before the arrangement is due to start or as soon as they become aware

A parent or person with parental responsibility for a child who is not involved in arranging for the child to be privately fostered but who knows that it is proposed must notify Children's Social Care for the relevant area as soon as possible after they become aware of the arrangement.

Notifications of proposed, perceived or existing private fostering arrangements may come from a parent, prospective or existing private foster or from any professional or person.

If made by a professional, the notification must include as much information as possible.

The professional making the notification should inform the known parties that they have made the notification because they have a legal obligation to do so. Therefore, they do not need consent before making the notification.

Children with Disabilities:

Private fostering arrangements for children with a disability (up to the age of 18) should be assessed using the same processes as set out above.

A disabled child who has been privately fostered after the age of 16 years qualifies (even if he is no longer privately fostered) for advice and guidance until the age of 21 years in the area in which he is resident. Children's Social Care may advise, assist and befriend the young person if they request such support. Assistance may be in kind or in exceptional circumstances include financial support. This support will be provided by the relevant Leaving Care Team.

Unmarried former partners:

There may be occasions when children become privately fostered because a parent has died and the other partner has no legal responsibility for the child or is not a relative as defined by Section 105 (1) Children Act 1989. In these circumstances if the intention of the surviving partner is to continue to provide care for the child, they should be advised to seek legal advice in relation to applying for either a [Child Arrangement Order or a Special Guardianship Order](#). The arrangement must be assessed under Private Fostering until the conclusion of legal proceedings.

Children's Social Care should make every effort to identify and contact a surviving parent, close relative or someone with Parental Responsibility.

If the surviving partner does not wish to provide care and there are no relatives who can assume the parenting role, then legal advice will be sought by the local authority to ensure the child has appropriate care. .

Unmarried former partners are assessed as a private fostering Arrangement. A step-parent (via marriage) caring for a child does not constitute private fostering.

Unaccompanied Children:

Where an unaccompanied child is identified as living in, or about to enter, a private fostering arrangement a notification should be made to Children's Social Care via MASH.

Children's Social Care should make every effort to identify and contact the parent, close relative or someone with Parental Responsibility.

a) Notification where a child or young person is not yet privately fostered or is already privately fostered

Upon receipt of a Private Fostering Notification, the Local Authority must make a decision that an assessment is to be undertaken, within 24 hours. The Local Authority will provide to the person notifying a PFI Private Fostering Declaration Form to be completed and returned to the Local Authority. This Form requests relevant information required from the proposed Private Foster carers. Additionally, the Social Worker will commence an assessment of the arrangements using the Single Assessment document and Private Fostering Assessment Part B to record the assessment.

It is noted that it is locally determined that it is the date of the original notification, rather than receipt of the completed PFI that will be taken to be the start date for the Local Authority to fulfil its statutory responsibilities to safeguard and promote the welfare of the child or young person subject to the proposed private fostering arrangement.

Additional to sending out the PFI, the Local Authority will make contact with the parents and proposed private foster carers to advise them that unless there is a need for the arrangement to progress on an immediate/emergency basis, the child or young person should not be privately fostered until the Local Authority is able to satisfy itself as to the suitability of the proposed arrangement and make them aware of the powers available to the Local Authority to prohibit or impose requirements on the proposed arrangements before the move of the child or young person.

b) Relevant Information Required within the PFI from the proposed/actual Private Foster Carers

The PFI private fostering declaration Form is a City of York Council form to be sent to the proposed or actual Private Foster Carers for completion immediately upon notification. The Private Foster carers are required to complete and return the form with as much information as they are able to provide. The PFI requires the following information:

- The full name, gender, date of birth, address, ethnicity, cultural and linguistic background, religion, known communication issues of the child or young person and legal and immigration status of the child or young person cared for or proposed to be cared for under a private fostering arrangement;
- The name and current address of the child or young person's siblings (if under 18 years of age) and details of the arrangements for their care;
- The name and addresses of the child or young person's parents and any other person with Parental Responsibility for them;
- Whether the child or young person's parents or other person with parental responsibility has given consent for the proposed or actual private fostering arrangement;
- The name and current address of the proposed or actual private foster carers and their addresses within the last five years;
- The full name and date of birth of all those within the proposed or actual private fostering household;
- Whether the actual or proposed Private Foster and any member of their household have:
 - Been convicted of offences against a child;
 - Been convicted of any offence involving injury or threat of injury to another person;
 - Been subject to any disqualification and prohibitions e.g. registration as childminder refused or cancelled, or disqualification from acting as a local authority foster carer;
 - Been subject to any Court Orders as a result of which a child has been removed from their care;
 - Any occasions when their child has been accommodated by a local authority.
 - Had any involvement with Children's Social Care in this or any other Local Authority
- The date on which the private foster placement will start;
- The intended duration of the arrangement;
- The name of two referees (not relatives)

In the event of a refusal of any person to cooperate with the making of the necessary checks, the assessing Social Worker should advise the private foster carers that as the required assessment cannot be completed, they cannot be recommended as suitable.

Initial Assessment Visit within Seven Working Days of Date of Notification and subsequent Assessment of the suitability of the Arrangement

Private Fostering Regulations require that an 'Initial Visit' commencing the assessment must be made to the proposed or actual private foster carers within seven working days of Notification. 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 Single Assessment document. However, the Private Fostering Assessment Part B document should be used to record additional information obtained in the course of assessment. This will include a consideration of:

- Consideration of any issues emerging from the PFI Declaration
- Consideration of any Issues resulting from DBS Certificate of Disclosure/police checks 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

The assessing Social Worker should:

- (a) visit the premises where it is proposed the child or young person will be cared for and accommodated or is cared for and accommodated if already privately fostered;
- (b) visit and speak to the proposed or actual private foster carer and to all members of their household;
- (c) visit and speak to the child or young person it is proposed be or is being privately fostered alone, unless it would be inappropriate to do so;
- (d) speak to and, if it is practicable to do so, visit every parent or person with parental responsibility for the child or young person;
- (e) establish through assessment (within 45 days from Notification):
 1. Whether the purpose and likely duration of the private fostering arrangement is understood by and agreed between the parents and the private foster carers;
 2. The wishes and feelings of the child or young person about the private fostering arrangement;
 3. The suitability of the arrangement to meet the child or young person's developmental needs, including the child or young person's identity needs;
 4. The suitability of the accommodation;
 5. The capacity of the private foster carers to look after the child or young person;
 6. The suitability of other members of the proposed private foster carers household;

7. The suitability of the arrangements for contact between the child or young person and his/her parents and any other significant adults are satisfactory, agreed and understood;
8. The suitability of arrangements between the parents of the child or young person and the private foster carers regarding finances for the care and maintenance of the child or young person;
9. The suitability of arrangements for the care of the child or young person's health;
10. The suitability of arrangements for the child or young person's education;
11. The suitability of arrangements for the decision-making about the care of the child or young person;

In the event of a refusal of any person to cooperate with the assessment of the private fostering arrangements, the assessing social worker should advise the private foster carers that as the required assessment cannot be completed, they cannot be recommended as suitable. In these circumstances, the social worker must also advise the parents of the reason why they need to make alternative arrangements for the child.

Purpose and Outcome of the Private Fostering Assessment:

Ultimately, it is important that the Children's Social Care assessment of a private fostering arrangement determines:

- The needs of the privately fostered child in order to determine whether they should remain with the private foster carers or should be returned to the care of their parent or person with Parental Responsibility or alternative arrangements made;
- Whether the child is normally resident within its area and where this is not the case establishes and makes contact with the home area;
- The potential for supporting or rehabilitating the child within their own family;
- A proposed plan to ensure the needs of the child are met - where the analysis indicates that the child is a **Child in Need**, the plan should clearly identify this and the steps to be taken to address the child's needs.

The assessment of private fostering arrangements should also identify: -

1. The evidence for the recommendation;
2. If there are any needs the arrangement cannot meet;
3. Where an exemption to the usual fostering limit is required;
4. The need for any requirements, prohibitions or disqualifications.
5. The completed assessment should be shared with all parties and a copy provided to the parent/person with Parental Responsibility, the private foster carer and where appropriate the child

If the arrangement is assessed as suitable, a clear plan for the care of a child or young person in a Private Fostering arrangement should be formulated and agreed by all parties. The plan should cover:

- Duration of placement
- Financial arrangements
- Contact arrangements
- How the child's health needs are to be met
- How the child's educational needs are to be met
- How the child's emotional social and behavioural needs are to be met
- How the child's religious, racial, cultural and linguistic needs are to be met
- Role of parents in exercising their parental responsibility
- How the placement will be monitored by Children's Social Care

MOSAIC Requirement: For ALL children assessed as being privately fostered the social worker must record a "Non LAC Legal status" of Privately Fostered (Front page) on Mosaic. This is to ensure private fostering arrangements can be reported on in the KPI report (Privately Fostered Snapshot). Likewise when a private fostering arrangements ends the "Non LAC Legal status" must also be ended on Mosaic

If the arrangements are not considered suitable, the assessing Social Worker's Manager should consider whether there are any requirements which should be imposed or whether any person should be disqualified or prohibitions should be imposed (See below).

The Designated Manager for Private Fostering must be made aware of all arrangements assessed as suitable or unsuitable.

7. Actions where there are concerns about a proposed or actual Private Fostering Arrangement

If the initial information indicates that the current private fostering arrangement is not safe or the child may be suffering, or at risk of suffering, **Significant Harm** then child protection processes should be initiated and the immediate safety of the child addressed.

Where the initial information gathering and visits identify the proposed arrangement may be unsuitable, consideration should be given as to whether any requirements, prohibitions or disqualification should be urgently implemented without any further assessment being completed.

(a) Requirements

The Local Authority may impose on proposed or actual Private Foster carers 'requirements' including the number, age and sex of the children who may be cared for under a Private Fostering arrangement, the standard of accommodation and equipment; arrangements as to health and safety; and particular arrangements regarding the care of the children or young people. A requirement may be varied, removed or added at any time.

The decision to impose a 'requirement' should be made by the assessing Social Worker's Manager in discussion with the Designated Manager for Private Fostering and Legal Services. Legal Services will serve any Notice on the private foster carer and parent and prepare for a possible appeal (Schedule 8 paragraph 6 Children Act 1989). On receipt of a Notice, private foster carers have 14 days to appeal to the Court (Schedule 8 paragraph 8 Children Act 1989).

Where requirements which have been imposed are not complied with, the Social Worker must consider whether support should be provided to ensure compliance and/or consider whether to report further to the Designated Manager for Private Fostering recommending that the private foster carer be prohibited from caring for the child.

(b) Disqualifications

Under the Disqualification from Caring for Children Regulations 2002 certain categories of individual are disqualified from private fostering. The main reasons for disqualification are if the private foster carer or any member of their household:

- a. Is a parent of a child who has been made subject to a Care Order;
- b. A child has been removed from his/her care under a care order;
- c. Has been convicted of any of the criminal offences listed in the "Table of offences list" (see Section 22, Specified Offences and Private Foster Carers);
- d. Has been refused registration in relation to a children's home or has been involved with a home whose registration has been cancelled;
- e. Has been previously prohibited from private fostering;
- f. Has been refused registration in relation to child minding or day care, or has had his/her registration cancelled.

A person will normally be disqualified if they have been made subject to equivalent sanctions in either Scotland or Northern Ireland.

Where someone has been disqualified from private fostering, he/she may not Privately Foster unless they have informed the Local Authority of the disqualification and its contents. It is the responsibility of the Private Foster Carer to make the Local Authority aware of such circumstances within the PFI Form that requests such information upon Notification of the proposed or actual arrangement or thereafter, immediately upon becoming aware of the need to do so.

If it appears that a person is a Disqualified Person and should be disqualified by the Local Authority, the decision should be made by the assessing Social Worker's Manager in discussion with the Designated Manager for Private Fostering and Legal Services. Legal Services will serve any notice on the private foster carer and parent and prepare for a possible appeal (see Section 68 Children Act 1989). On receipt of a notice, a private foster carer has 14 days to appeal to the Court (Schedule 8 paragraph 8 Children Act 1989).

(c) Prohibitions

A prohibition may be imposed by a Local Authority upon a Private Fostering arrangement where:

- The person is not assessed as suitable to privately foster a child or young person;
- The premises are not suitable; or
- Caring for this child or young person by this person in these premises would be prejudicial to the child or young person's welfare.

The Local Authority may prohibit the Private Foster Carer from privately fostering:

- Any child in any premises;
- Any child in the premises specified in the Notice;
- An identified child in identified premises.

If it appears that an actual or proposed arrangement should be prohibited by the Local Authority, the decision should be made by the assessing Social Worker's Manager in discussion with the Designated Manager for Private Fostering and Legal Services. Legal Services will serve any notice on the private foster carer and parent and prepare for a possible appeal (see Section 68 Children Act 1989). On receipt of a notice, a private foster carer has 14 days to appeal to the Court (Schedule 8 paragraph 8 Children Act 1989).

8. Statutory Visits to a Child or Young Person in a Private Fostering Arrangement

The frequency of visits by the child's social worker should be determined by the circumstances of the case and should take place whenever reasonably requested by the child or private foster carer. However, at a minimum a child or young person should be visited:

- a. Within 7 working days of the arrangement having commenced;
- b. Not less than every six weeks during the first year of the arrangement; and
- c. Not less than every twelve weeks after the first year of the arrangement.

The child must be seen alone by the social worker 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 social worker alone. The child's bedroom should be seen on some visits.

A Statutory Visit is to be recorded on the relevant Template 'Private Fostering – Statutory Visit Record' and the following information should be recorded. The Regulations require the following matters are observed and discussed during a Statutory Visit (Schedule 3):

The overall purpose of all visits is to ensure that the child or young person's needs are continuing to be met within the private foster arrangement and in particular;

- To observe the overall standard of care afforded to the child or young person;
- To speak to and ascertain the wishes of the child or young person;
- To review the purpose and likely duration of the arrangement;
- To review whether that the child or young person's needs arising from religious persuasion, racial origin, and cultural and linguistic background are being met;
- To ensure that necessary arrangements for the child or young person's education are satisfactorily being met;
- To ensure that the child or young person remains registered with a GP and dentist and that any necessary health care has been provided to take account of any special health needs;
- To ensure that contact arrangements for the child or young person with the parents and siblings are working and meeting the child or young person's needs;
- To check how decisions are being made about a child or young person;
- To check the financial arrangements for the care and maintenance of the child or young person are working;
- To check that members of the household remain suitable;
- To check that any requirements issued by the Local Authority are being met;
- To offer advice and support to the carer, child or young person and parents as necessary or requested to ensure the privately fostered child's needs are met and their welfare is safeguarded.

9. Review of Private Fostering Arrangements

The Review of Private Fostering arrangements is dependent upon whether the child or young person is receiving services additional to the ongoing support and monitoring provided to comply with The Children (Private Arrangements for Fostering) Regulations 2005 or not. Where the child or young person is also receiving additional services under a Child in Need Plan, the Plan will be reviewed every three months in accordance with the Practice Guidance for the review of Children In Need cases. Where the child or young person becomes subject to a child protection plan whilst living in the private fostering arrangement, then the frequency of visiting and review follows that of the child protection plan i.e. a minimum of 4 weekly. In such circumstances, the suitability of the arrangement will be reviewed and also involve the child's parents.

Where however, there are no additional services provided to that of support and monitoring of the arrangement under the Regulations, the arrangement will be reviewed on a six monthly basis.

As in all reviews, parents, children and carers should actively be encouraged to participate and contribute to the review and planning process. It is good practice to plan for permanence for all children living away from home. It is envisaged that most arrangements will not last in excess of twelve months, as the plan will usually be for the child to return home with any support needed. When a longer term arrangement is being reviewed, the case for applying for a Child Arrangement Order or a Special Guardianship Order may be suggested to the young person, private foster carers and parents.

If an arrangement continues, the private foster carer's Social Worker should ensure that all DBS forms are renewed every 3 years.

The Review of the Plan should cover:

- Duration of placement
- Financial arrangements
- Contact arrangements
- How the child's health needs are being met
- How the child's educational needs are being met
- How the child's emotional social and behavioural needs are being met
- How the child's religious, racial, cultural and linguistic needs are being met
- Role of parents in exercising their parental responsibility
- How the placement will be monitored by Children's Social Care until the next Review

10. End of a Private Fostering Arrangement

The End of a Private Fostering Arrangement is to be recorded on the relevant Template 'Private Fostering – End of Arrangement'. This enables the statutory reporting on Private Fostering to be maintained accurately. The following information should be recorded.

- Date of Notification
- Name of Person making Notification
- Date Private Fostering Arrangement Ending/Ended
- Reason why the arrangement has ended
- Name, address and description of new care arrangements for the child or young person

11. Further Information

The [National minimum standards for Private Fostering](#) is the statutory guidance for local authorities on safeguarding and promoting the welfare of Privately Fostered children

Visit the [CYSCP Private Fostering webpage](#) for further information and links to Private Fostering resources and training.