**Private Fostering** Multi-Agency Guidance

January 2022

**What is Private Fostering?**

Local councils have a duty of care to privately fostered children, as defined in the Children Act 2004. The Government’s measures on Private Fostering are defined in The Children Act 2004, The Children (Private Arrangements for Fostering) Regulations 2005 and National Minimum Standards for Private Fostering.

A privately fostered child is a child under 16 (or 18 if a child lives with a disability) who is cared for by an adult who is **not** a close relative which includes:

* A parent
* Grandparent
* Aunt
* Uncle
* Stepparent (including civil partnerships)
* Sister or brother

To be considered as privately fostered the child is to be cared for in that person's home for 28 days or more. Private Fostering is very different from formally provided care by local councils through approved foster carers. In a private fostering arrangement, the parent retains parental responsibility.

Privately fostered children and young people may:

* Have parents living or working aboard
* Be sent to the UK to study at state or language schools
* Live with another family because of situations at home
* Be estranged from their own family
* Be at independent schools and not returning home during school holidays
* Be living with their partners family
* Any child or young person whose parents have made a private arrangement for them to be looked after by someone else.

Children under 16 who spend more than 2 weeks in residence during holiday time in a school, become privately fostered children for the purposes of the legislation during that holiday period. See also Schedule [8 (para 9) Children Act 1989.](https://www.legislation.gov.uk/ukpga/1989/41/schedule/8)

A child who is looked after or placed in any residential home, hospital or school (where they are receiving full-time education) is excluded from the definition.

It is the law that the Local Authority Children's Services know about all children and young people in Tower Hamlets who are being privately fostered (or who are about to be). The Local Authority Children's Services have a duty both to make sure the child or young person is safe and that the private foster carer(s) has support.

Privately fostered children are treated as a Child in Need by the Family Support and Protection Service (FSP).

**Responsibilities of Agency’s**

All professionals who work with or have contact with children and young people have a shared responsibility to ensure that privately fostered children are well cared for and are safeguarded from harm.

Professionals play an important role in identifying and notifying Tower Hamlets Children’s Services of private fostering arrangements and by ensuring parents and carers are aware of their responsibilities and the support that is available to them.

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|  | **STOP… Is the child being looked after by someone other than a close family member (as defined above)**  |
|  | **THINK … Is the arrangement likely to last more than 28 days?**  |
|  | **ACT … Inform Tower Hamlets Council on 020 7364 5601 (9am - 5pm, Monday - Friday) to begin the process of notification.** |

**When identifying that a child may be privately fostered, you may want to consider the following:**

* Has the child mentioned that they are no longer living at home or living with someone else outside of the immediate family?
* Is the child accompanied by someone other than a parent/recognised carer to school or appointments?
* Is the carer vague about the child’s routines/needs?
* Are the child’s parents or official guardians sleeping in a different location?
* Has a patient turned up at the GP surgery with a new child/ series of different children?
* Has a child in class at school disappeared?
* Is there anything unclear on files/records about the child’s living arrangements?
* Do you know what the child’s living arrangements are (who with, for what purpose)?
* Is it clear who the child is living with, and what relation the person is to the child?
* Has the child been living, or is likely to live, away from home for more than 28 days, or a series of days totalling 28 days or more?
* Has the child come from overseas? Do you know the reason for the child’s entrance to the UK?
* Is the child in the UK for the purpose of education?
* Is the child an unaccompanied asylum seeker?
* Do you think that the child may have been trafficked?

Professionals including teachers, health providers and all other agencies should make a referral to Tower Hamlets Children’s Social Care if:

* they become aware of a private fostering arrangement which is not likely to be notified to the local authority; or
* they have doubts about whether a child’s carers are actually their parents, and there is any evidence to support these doubts.

If a professional is aware of a private fostering arrangement, encourage the carer or parent to notify themselves. If not, the professional has a legal responsibility to ensure that the Local Authority has been notified. If you are confident that the carer/parent has not informed the Local Authority of their private fostering arrangement, your actions should ensure that the child’s welfare and safety come first. A child in a private fostering arrangement who is not brought to the attention of the Local Authority may be a child potentially at risk. You will be acting appropriately by informing the Local Authority.

When Children’s Social Care becomes aware of a privately fostered child, they must assess the suitability of the arrangement. They must make regular visits to the child and the private foster carer.

If it is known that a child is going to be placed in a private fostering arrangement, the Local Authority must be notified at least 6 weeks before an arrangement. Where no prior notification of a placement is given the Local Authority must be notified of the placement immediately. The professional must also inform the parent and private foster career of their intention do so, if this is possible.

*Note there is more in detailed guidance available on the Local Authority’s Trix system for professionals working in Children’s Social Care.*

**Advice for Speaking with Someone in a Private Fostering Arrangement**

The terminology of private fostering can act as a barrier to identifying child who may be living under this arrangement. It is important to use language such as:

‘**Are you looking after someone else’s child?**’ or

‘**Is someone else looking after your child?’**

Utilise professional curiosity skills to determine the nature of the arrangement. The most important part is the child or young person, a conversation must be held with them about how they feel about the situation.

Consider the following questions to ask those involved in a potential private fostering situation:

**Questions to consider when talking to the adults:**

* How long has the arrangement lasted?
* Is there a plan for them to return to their parents or primary carer?
* What information do you have about the child including where they reside or have previously resided?
* What does the child or young person understand about the situation?
* Is there anyone else involved in the arrangement?

**Questions to consider when talking to the child or young person:**

* How do you feel about the arrangement?
* What is your relationship like with the carer or parent?
* Do you feel safe?
* Do you feel happy?

When speaking with those involved in the private fostering arrangement it is important to demonstrate the process and be transparent about what will happen, again encourage the parents or private foster carer to notify the Local Authority, if not then you must do so, as the professional.

Once the Local Authority has been notified, the support that is offered to private foster carers is as follows:

* A social worker will be allocated to support them through an assessment and offer advice on their rights and responsibilities as a private foster carer. Social Workers will undertake the checks, assessments and visits required by law. These checks are to ensure the placement is suitable for all involved and ensure the welfare of the child, during these visits, the social worker is there to offer support and advice.
* Advice will be given about training that is available to support them with any needs of the child/ young person.
* Support will be offered in managing the placement and conforming to the national standards.
* Advice will be given about financial help if required.
* Information will be shared about any local support networks for carers.

**Roles of Everyone Involved in the Private Fostering Arrangement**

**During a private fostering arrangement, the parent always retains parental responsibilities.** Both parties have responsibilities. Below is a breakdown of responsibilities of those involved in the arrangement:

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| **Professional who Idenfiies a Private Fostering Arrangement** |
| This professional can be from any agency including schools and health providers. If you are aware of a private fostering arrangement, use the above prompts to have a conversation and encourge the adults involved to notify the Local Authority. It is the duty of the professional to ensure the Local Authority has been notified and if the Local Authority has not been notified already, the identifying professional has a duty to do so. |
| **Parent*** Should advise Tower Hamlets Council of any proposed arrangement at least six weeks before a private fostering arrangement is due to begin.
* Notify the Duty Team within 48 hours that the arrangement has begun, for example the child has moved.
* Provide the private foster carer with as much information about the child as possible, including their health and school history, their interests, religion, dietary needs etc.
* Make appropriate financial arrangements for the child
* Participate in major decisions which affect the child in their care.
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| **Private Foster Carer*** Advise Tower Hamlets Council of any proposed arrangement at least six weeks before it is due to begin
* Notify the Council within 48 hours that the arrangement has begun, for example the child has arrived.
* Notify the Council when the child leaves their care and provide details of the child’s new care arrangements
* Provide day to day care and promote the child’s welfare.
* Participate in checks carried out by the Local Authority.
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| **Tower Hamlets Council**  |
| Tower Hamlets Council have a legal duty to make sure all private fostering arrangements are safe for the child or young person. Once informed, the council’s responsibility is to:* Check the suitability of private foster carers, as well as the household and accommodation.
* Make regular visits to the child or young person to make sure they are receiving a good overall standard of care.
* Make sure that arrangements between the carer and parents are in place to protect the child.
* Ensure advice and help is available when needed.
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**What Happens after the Local Authority is Notified?**

Under private fostering guidance, the Local Authority (LA) has a duty of care and the child will be placed on a ‘Child in Need’ plan. This is to ensure the child is safeguarded and the private foster carer has access to support. Certain checks will be carried out to ensure the safeguarding of the child and the suitability of the arrangement. When the notification is made, the Local Authority will ask a series of questions about the arrangement, child, addresses and anyone else involved, so it is important to gather as much information about the arrangement as possible.

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| Notification is made and the LA will ask for information about the child and their history and the arrangement. |
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| The following information will be obtained about the private foster carer:* Any offence of which he/she or any other member of the household has been convicted;
* Any disqualification or prohibition (see Section 9, Prohibition and Disqualification) placed on him/her or any other member of the household;
* Any actions taken or orders made in relation to the private foster carer or any child who is or was a member of the same household.
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| The information is passed on to Children’s Services and all privately fostered children are allocated a Social Worker from the Family Support and Protection Service. |
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| The situation will be assessed to see it if is suitable for all involved, which will include a DBS for the private foster carers and suitability of accommodation. |
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| The parents may be encouraged to draw up a written agreement with the private foster carers. |
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| An initial visit will take place from the Assessing Social Worker from the Fostering Service to the Private Foster Carers. |
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| The social worker can draw out what the requirements are for the foster carer. This can include standard of accommodation and or restrict the approval to an individual child or to limit the number, age or gender of children who may be cared for privately. (Note private foster carers cannot privately foster more than 3 children unless there are exceptional circumstances). A report is completed with all the information gathered, including statutory checks, which is presented to the Agency Decision Makers (ADM) for approval or not. |
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| Visits by the child's social worker will then be made every four weeks in the first year. In subsequent years the visits will be at least three monthly. This is to check the arrangements are working, the wellbeing of the child and offer support to both parties. |
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| Annual review; the suitability of the arrangement will be assessed each year. |