

Hertfordshire County Council Children's Services

Private Fostering **WORKWITHUS**



STATEMENT OF PURPOSE 2018/20



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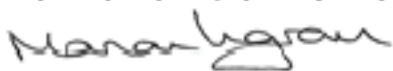
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1. Introduction

All Local Authorities are required to publish a written Statement or plan in respect of its Private Fostering Service in accordance with the National Minimum Standards for Private Fostering (Standard 1). This sets out its duties and functions in relation to Private Fostering and the ways in which these will be carried out.

What is Private Fostering?

Private fostering is when a child under 16 (or 18 if they are disabled) lives for 28 days or more with an adult who is not:

- A parent of the child
- Someone who holds parental responsibility for the child
- A close relative* of the child

*See Section 2, legal definition

There can be many reasons why a child or young person does not live at home and their parent has arranged for someone else to care for them. These include:

- Adolescents/teenagers living apart from parents due to relationship or family breakdown.
- Children living with someone else due to parental illness or death.
- Children whose parents and families live overseas.
- Children sent to the UK for education or health purposes.
- Children attending language schools or on an education exchange staying with host families.
- Children attending boarding schools who do not return home for the holidays.
- Children whose parents are in hospital or prison.
- Children brought to the UK with a view to adoption.
- Asylum seeking or refugee children.
- Children who are trafficked.

2. Legal Definition

The Children Act 1989 defines privately fostered child as:
Any child under the age of 16 or (18 if disabled) who is cared for, proposed to be cared for and provided with accommodation for over 28 days by someone who is not:

- A parent of the child
- Someone who has parental responsibility for them
- A close relative





The Children Act 1989 defines a “close relative” as:

- Grandparent
- Brother or Sister
- Uncle or Aunt (whether by full blood, half blood or by affinity)
- Step-parent*

* A parent’s unmarried partner is not a step-parent within this context.

More extended members of the family such as cousins, great aunts/uncles and great grandparents are not deemed as “close relatives”

The arrangement should last for 28 days or more to be considered as private fostering and the period of care should be continuous.

This arrangement would not cease where a child spends an occasional period with a parent, close relative or carer, but is otherwise living with the private foster carer.

Within any Private Foster arrangement, the responsibility for the child or young person remains with the parent or person who holds legal Parental Responsibility.

3. Background

It is a legal requirement for Local Authorities to be notified of all private fostering arrangements in their area. They must then satisfy themselves that the welfare of the child/ren and young people are adequately safeguarded and their health and wellbeing is being promoted. The Local Authority will ensure the availability of advice and support to private foster carers, children and their parents and have an ongoing duty to monitor the arrangement.



The Children Act 1989 and its regulations were strengthened and enhanced by the Children Act 2004 and the Children (Private Arrangements for Fostering) Regulations 2005. Local Authorities are required to take a proactive approach to raising awareness of the requirements in respect of Private Fostering as well as to provide additional safeguards for children and young people living in private fostering arrangements.

National Minimum Standards for Private Fostering were also implemented in 2005.

4. Aims

Hertfordshire County Council consider children and young people living in private fostering arrangements can be particularly vulnerable. This statement describes the arrangements made by Hertfordshire County Council to identify, monitor and support Private Fostering arrangements in our County.

Our aims are:

- To increase the notification of private arrangements by raising awareness of private fostering
- To provide guidance on our statutory responsibilities to members of the public, parents, children, all County Council staff, external and partner agencies.
- To establish and assess the suitability of private fostering arrangements.
- To ensure the safety and wellbeing of children and young people living in such arrangements and that their needs are being met.
- To provide support and advice to private foster carers, children/young people and their parents as appropriate.

The Department are committed to maintaining high standards in relation to Private Fostering and to reviewing these on a regular basis. This is achieved by:

- Private Fostering Procedures being available to all staff via Tri-x
- Hertfordshire having a Private Fostering Action Plan (set against National Minimum Standards for Private Fostering) which is reviewed and update annually
- Hertfordshire have developed a Private Fostering Self Evaluation tool
- Quarterly statistics being submitted to HSCB (Hertfordshire Safeguarding Children's Board)
- Submission of an annual report to the HSCB Improving Outcomes Group

5. Regulation

Private Fostering within Hertfordshire Children Services is subject to regulation and inspection by OFSTED, who can be contacted at:

Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD
Tel: 0300 123 1231
Website: www.ofsted.gov.uk
Email: enquiries@ofsted.gov.uk

Hertfordshire County Council's responsibilities in respect of Private Fostering are delivered within the Family and Friends Fostering team which sit within the Safeguarding and Specialist Services.

The Team Manager Responsible for Private Fostering is:

Lorna Forde
Email: lorna.forde@hertfordshire.gov.uk,
Telephone: 01442 453461.

The designated person with lead responsibility for Private Fostering, who can be contacted for advice is:

June White - Senior Practitioner
Email: june.white@hertfordshire.gov.uk
Telephone: 01442 454391.

6. The Local Authority's Duties and Functions:

The Children Act 1989, The Children (Private Arrangements for Fostering) Regulations 1991

Under Section 67 (1) Local Authorities should be notified of Private Fostering arrangements in their area, and must be satisfied that the welfare of the children who are privately fostered is being adequately safeguarded, their health and wellbeing is being promoted, their needs are being met and that carers, children and parents receive any advice and support they consider necessary.

Parents and/or carers should notify the Local Authority of any Private Fostering arrangement, however all professionals hold a safeguarding duty and therefore should notify the Local Authority if they become aware of a private arrangement or believe such an arrangement is unlikely to be notified by the parent and/or carer.

The Local Authority duties fall into three main areas:

i. Receipt of notifications

Written notification is required not less than 6 and not more than 13 weeks before receiving a child or, in an emergency, or if a child becomes a private foster child whilst already in the arrangement, within 48 hours by the person with parental responsibility, or the proposed private foster carer, or any other person who is aware of the proposed arrangement.

The details to be provided are:

- Name, sex, date and the place of birth, religious persuasion, racial origin and cultural and linguistic background of child (with regard to children who are not UK citizens, evidence must be provided that clearly demonstrates they have the appropriate permissions / documentation to remain in the United Kingdom). It is helpful if ID documents i.e. passport number and country of issue and photocopy of page and birth certificate (if available) are provided;
- Name and address of the person giving the notice and any previous address within the last 5 years and it is helpful if contact details i.e. telephone numbers (home and mobile) and email are provided;
- Purpose and intended duration of the fostering arrangement;
- Name and address of any parent of the child, anyone else with parental responsibility and anyone else from whom the child is to be, or was received, whether or not they are resident within the United Kingdom;
- The name and address of any siblings (where known);
- Name and address of any other person who is involved directly or indirectly in making the fostering arrangements;
- Date on which fostering is intended to begin (or actually began);
- Any offences of which the foster carer has been convicted;
- Any disqualification or prohibition imposed on the foster carer under s68 or s69 of the Children Act 1989 and any such conviction, disqualification or prohibition imposed on any other person living in, or employed at the same household;
- Whether the child is disabled, and any communication needs.



Notification that there are Changes to a Private Fostering Arrangement:

- Once a private foster arrangement is agreed by HCC, private foster carer(s) must notify Children Services, preferably in advance but in any case no more than 48 hours after the event of:
- A change in her/his address (if foster carer moves to another local authority, Hertfordshire must notify the other authority);
- Any person who begins or ceases to be part of the household;
- Any further conviction, disqualification or prohibition of which the carer or other person who is part of, or employed in, the household is convicted, as cited above;
- Within 48 hours of the child's departure unless s/he intends to resume fostering her/him within 27 days. Notification must include the name and address of the person into whose care the child has been received.
- In the event that a privately fostered child dies, immediate notification is required to the Local Authority and to the person from whom the child had been received (see Death or Serious Injury to a Child Procedure).
- All changes or notice to end the arrangement must be recorded on the carers and child's file by the relevant social worker.

Notification of Changes to a Private Fostering Arrangement:

- Parents and others, including professionals (e.g. in health, education, etc), must notify the local authority when the fostering arrangement ends and any change in their address.

ii. Assessing the suitability of the carers and their households

Within 7 days of Notification, a social worker from the Assessment team will commence a Child and Family Assessment and will:

- Visit the premises where it is proposed the child will live and be cared for;
- Visit and speak to proposed private foster carers and all members of the household;
- Speak to the child alone;
- Speak to, and if practicable, visit the parent/

- person with parental responsibility;
- Assess the appropriateness of the arrangements to meet the child's needs, including his/her wishes and feelings, contact arrangements, financial arrangements, provision of health (that the child is registered with a GP), education and any other required services and day to day decision making, agreements in place;
- Establish the intended duration of the proposed private fostering arrangement;
- Obtain consents and commence PNC checks and enhanced DBS checks.

iii. Ongoing monitoring of arrangements through visits and written records

The local authority must also arrange to visit privately fostered children at regular intervals - at a minimum:

- Every six weeks in the first year;
- Every twelve weeks in the second or subsequent years; and

Additionally, if reasonably requested to do so by the child, private foster carer or parent;

- Children will be given the contact details of the social worker who will be visiting them while they are being privately fostered.
- The Family & Friends Team Private Fostering Social Worker must consider whether the private foster carer, the parents of the child, any other person with parental responsibility for the child, or any other person concerned with the child are being given such advice as required.
- The Social Worker must ensure that all are aware of the range of support and services available to them from:
- The voluntary sector and community groups;
- Universal services such as health and education;
- Hertfordshire's own resources.

Duties under the Children Act 2004 and the Children (Private Arrangements for Fostering) Regulations 2005

The Children Act 1989 and the regulations were strengthened by the Children Act 2004 and Children (Private Arrangements for Fostering) Regulations 2005. They require the Local Authority to be pro-active in publishing their responsibilities and

raise awareness of the requirement to notify the Local Authority of private fostering arrangements in their area.

Hertfordshire County Council are committed to raising the profile and awareness of Private Fostering.

This is evidenced by:

- Availability of information and leaflets on the HCC website and at the various sites;
- Access to Private Fostering Procedures for members of staff via Tri-x;
- A programme of briefings and litebites for HCC staff teams, new cohorts of academy social workers, external and partner agencies;
- A communications plan which is reviewed and updated;
- Regular inclusion in training offered to designated safeguarding professionals working in Early years settings and schools;
- Convening a multi-agency Private Fostering Development and Action Group which meets quarterly to develop and share links to promote;
- Private Fostering Awareness week held annually.



7. The Powers of the Local Authority:

To inspect the Premises and Child:

Where Social Workers have reasonable cause to believe that a privately fostered child is being, or it is proposed will be, accommodated within premises in Hertfordshire, s/he may at any reasonable time inspect these premises and any child there (s67 Children Act 1989).

If a local authority is not satisfied that the welfare of the child is being adequately safeguarded or promoted, it must (unless this would not be in the child's interest) request for care to be resumed by a parent or person with parental responsibility, or advise a parent to make alternative arrangements for their child. Failing this, other responses may also need to be considered. If the Local Authority has concerns that the child may not be achieving a satisfactory level of health and development without the provision of services, an assessment shall be undertaken under the Children Act 1989, in accordance with the Framework for the Assessment of Children in Need and their Families.



To Impose Requirements:

The Local Authority may issue Requirements on any person using any premises for fostering, which may address issues such as:

- Number, age and sex of foster children, (there must be no more than three privately fostered children in the home);
- Accommodation and equipment to be provided for the child(ren);
- The arrangements to be made with respect to their health and safety;
- Particular arrangements which must be made with respect to the provision of care for them.

A requirement may be limited to a particular child or class of child, and must be put in writing, explaining the reasons for its imposition and informing the private foster carer of her/his right to appeal to a Court within 14 days of receipt of the Requirement notification.

To Prohibit Private Fostering:

If Children Services assess the foster carer is not a suitable person or that the premises are not suitable or the placement would be prejudicial to the welfare of the child, the local authority may prohibit the carer from fostering privately:

- Any child in any premises within Hertfordshire;
- Any child in specified premises;
- A particular child in specified premises.

Decisions on whether a prohibition should be imposed must be made by a Service Manager in consultation with Local Authority Legal Services.

In the event that a decision to prohibit a private fostering placement is imposed, the private foster carer will be informed in writing within 7 days of the decision being made and informed of their rights to appeal to a Court within 14 days of notification of the Prohibition.

The local authority will consider if the child needs to be assessed under section 17 of the Children Act

1989, in order to safeguard and promote the child's health and development.

Disqualification:

Unless s/he has disclosed such information to the local authority and obtained its consent, no one is allowed to care for a foster child if s/he or anyone else who lives or works on the premises:

- Has had a child removed from her/his care under specified legislation;
- Has been convicted of any offence involving injury or threat of injury to a child
- Been prohibited from privately fostering.

8. Compliments, Complaints and Comments:

Hertfordshire County Council is committed to listening to service users, colleagues and families and dealing with any complaints you may have promptly and effectively.

If you would like to comment, compliment or complain about any of our services please use the online form here:

<http://www.hertfordshire.gov.uk/help/help-withcomplaintsform/>

Alternatively, contact the Team Manager for Private Fostering:

Lorna Forde

Email: lorna.forde@hertfordshire.gov.uk

Telephone: 01442 453461.





Call us on
0300
123 4043
to tell us about a
private fostering
arrangement

Private Fostering **WORKWITHUS**

