

PRIVATE FOSTERING: QUICK GUIDE FOR PROFESSIONALS

Introduction

Children who live away from their families with people who are not closely related to them may be privately fostered. Private fostering arrangements are made directly between the child's parents (or person with parental responsibility for the child) and the people who look after them. Children living in private foster care may be vulnerable to harm or abuse. Local Authorities have a legal duty to safeguard the health and welfare of children living in private foster care. However the Local Authority cannot meet its statutory responsibilities if it doesn't know that a private fostering arrangement exists. If you work with children (for example in education, health or social care) you may become aware of a child living in a private fostering arrangement. This quick guide, designed for staff working in LSCB partner agencies, explains what you need to know about private fostering and what you should do if you come across a child who may be in private foster care.

What is private fostering?

A private fostering arrangement is where a child under the age of 16 years (or under 18 years if they are disabled) lives with someone who is not their parent or close relative for 28 days or more. A "close relative" is defined as a grandparent, brother, sister, uncle or aunt. It also includes step parents and people who are related to the child by marriage. Private fostering arrangements may exist for a number of reasons including if a child is sent to the UK for education purposes or health care; being cared for by a friend's family as a result of separation, divorce or conflict at home; where parents work or study involves

long hours that can't be covered by day care; or if parents are too ill to look after them. Private fostering is very different from foster care provided through the local authority. A privately fostered child is not classified as a "looked after child" under the Children Act 1989. Private foster carers do not have parental responsibility which is retained by the child's parents.

The law

Although these arrangements are private, the child's parents, their private foster carers and the Local Authority have legal duties and responsibilities under the Children Act 1989, the Children Act 2004 and the National Minimum Standards for Private Fostering 2005.

Under the legislation, **private foster carers** must:

- advise their Local Authority of their intention to privately foster a child at least 6 weeks before the start of the arrangement or, if a child is placed in an emergency, within 48 hours of the placement;
- notify the local authority within 48 hours when a child leaves their care and provide the name and address of the person now responsible for providing care to the child;
- allow a social worker to visit them and the child regularly and to assess that the home where the child is cared for is appropriate.

Under the legislation the **child's parents (or legal guardian)** must:

- advise the carer's local authority of the private fostering arrangement at least six weeks in advance or, if an arrangement is made in an emergency, within 48 hours, and at the end of the arrangement notify

the local authority within 48 hours when the care arrangements change.

Parents are responsible for ensuring that the proposed private fostering placement is suitable for their child. They retain their parental responsibility and continue to be involved in all decisions about their child's care and future. They must give the person looking after their child as much information about the child as possible and come to a formal agreement about aspects of care such as health, education, religious and cultural needs, discipline etc.

Under legislation, the **Local Authority** has a duty to check that children living in private foster care are safe and well cared for. In Redbridge, the Children and Families Service have responsibility for children living in private foster care arrangements within the Borough. Duties include:

- checking the suitability of private foster carers and assessing the circumstances surrounding the arrangements;
- make regular visits to the child in their private foster home to check on their welfare and monitor the overall standard of care provided. This includes listening to the child's wishes and feelings.
- They also need to ensure that private foster carers get the advice and support they need to keep the child safe and well and provide preventative and support services where appropriate.

Private foster carers do not have to be "approved" by the Local Authority, but there are legal powers to take action if problems are identified with a private fostering arrangement. Although private foster carers are legally required to notify the local authority, many do not - often because they don't know they have to. It is vital that the Local Authority is made aware of private fostering arrangements so that checks can be

made to ensure the children are safe and well cared for.

Your role

As someone working with children you have an important role in helping parents and private carers meet their legal responsibilities and keeping children safe. If you come across what you think may be a private fostering arrangement in Redbridge you should:

- ask parents and/or private foster carers if they have notified the Children and Families Service of the private fostering arrangements; and
- inform them of their legal responsibilities and encourage them to contact the Local Authority.
- Ideally, notification should come from the child's parents and carers. However, to ensure all private fostering arrangements are brought to the attention of the Local Authority, please also contact the Children and Family Service yourself. If you have concerns that a child may be at risk of harm you should follow Child Protection procedures.

Contact

To tell the Borough's Children and Families Service about a private fostering arrangement or if you have concerns about a privately fostered child please contact:

Child Protection and Assessment Team (CPAT)

E-mail: CPAT.Referrals@redbridge.gov.uk

Tel: 020 8708 3885 (or 020 8708 5897 outside of office hours)

For more information, see the Private Fostering page on the [LSCB website](#).