

# Family Services

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<b>Document author</b>	Aasia Qayium

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Brigitte Jordaan Director of Children Social Care	3rd May 2019

# Foreword

The London borough of Barnet is committed to safeguarding and promoting the welfare of all children who are privately fostered. Children who are in such arrangements are often particularly vulnerable. We endeavour to ensure that private fostering arrangements are safe and suitable for children, and children in such arrangements are protected from abuse, neglect and exploitation.

Raising awareness of private fostering across all communities within Barnet is our very important mission and through collaboration with our safeguarding partners we want to achieve a position where everyone in Barnet understands what private fostering is and why children in these arrangements can be vulnerable and need safeguarding.

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# 1. Introduction

In accordance with the National Minimum Standards for Private Fostering (Standard 1), which sets out its duties and functions in relation to private fostering and the ways in which they will be carried out, all local authorities have a duty to publish a written Statement in respect of its private fostering service. This statement sets out the London Borough of Barnet's Statement of Purpose on Private Fostering.

## The Statement of Purpose for Private Fostering:

- aims to demonstrate that the requirements laid down in relevant legislation and regulations are complied with and the minimum standards met.
- Aims to highlight the design to raise awareness about private fostering.
- aims to increase general understanding of private fostering, and greater compliance with legal requirements from carers, parents and others, and in turn a more effective service.
- aims to cover legal requirements, the council's policy statement, and describes how it will carry out its duties and functions, including the assessment, supervision and monitoring of placements, the provision of training and support, and organisation and management of the service.

# 2. Legal definition of a private fostering arrangement

A privately fostered child as defined in the Children's Act 1989, is a child under the age of 16 (under 18 if disabled) who is cared for, or it is proposed to be cared for, and provided with accommodation by someone other than:

- a parent of his/ hers
- a person who is not his or her parent but who has parental responsibility for him/her
- a close relative of his/hers (i.e. an aunt, uncle, step-parent, grandparent, sibling, but not a cousin or great-aunt/great uncle)

**and** he/she has been cared for and accommodated by that person for 28 days or more

**or** the period of actual fostering is less than 28 days, but the private foster carer intends to foster him/her for a period of 28 days or more.

A child is not privately fostered if the person caring for him/her has done so for less than 28 days and does not intend to do so for any longer period.

Arrangements are deemed to be private fostering if they meet the criteria cited above, **whether or not there is monetary or other reward**. (Exemptions are set out in Schedule 8 of the Children Act 1989).

The period for which the child is cared for and accommodated by the carer should normally be continuous, but it should be noted that the continuity is not broken by

occasional short breaks. In this Act 'parent' includes an unmarried father. Relative, in relation to a child, means a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or by marriage or civil partnership) or step-parent".

### **3. Examples of private fostering arrangements**

The examples that follow suggest the variety of circumstances which can lead to children and young people being cared for in private fostering arrangements.

- children and young people who have their families overseas
- black/ethnic minority community children/young people with parents working or studying in the UK
- trafficked children/young people, asylum seekers and refugees
- children/young people living with a 'host' family whilst attending language schools or undergoing medical treatment
- parents unable to make child care arrangements in the child's community of residence
- children not having anyone to care for them; parents not available or not able to function as parents for whatever reason - death, imprisonment, drug dependency, parent in hospital, and so on.
- children/young person taking 'time out' from a difficult family situation and staying with friend
- a teenager living with the family of boyfriend or girlfriend
- children who are staying in Britain more than 28 days through a charitable organisation for holiday, treatment, training, etc.

### **4. Policy statement – values and principles**

The council is committed to safeguarding and promoting the welfare of all children including privately fostered children. It recognises and acknowledges the particular vulnerability of many privately fostered children, and the difficulties that may be inherent in their home and fostering situation or circumstances. The private fostering service will ensure that private fostering arrangements are safe and suitable for children, and children in such arrangements are protected from abuse, neglect or exploitation.

The council will ensure that its policy of equal access to opportunities is incorporated into its work in this area of child care practice, and that children and carers are assessed and supported on the basis of the needs of the child or young person concerned regardless of any person's circumstances, background, status or personal attributes.

The fostering service will seek to work in partnership with children, families and private foster carers in order to safeguard children in private fostering arrangements, and ensure that their health, material, emotional, social and cultural needs are being met.

The service will ensure that the child/young person in a private fostering arrangement is seen, that his or her voice is heard and where possible his/her views, wishes, and feelings are taken into account with regard to the private fostering arrangement.

The service will consult with and advise colleagues within the London Borough of Barnet and appropriate external organisations or agencies, regarding the needs of children who are privately fostered, and seek to work in partnership with these to ensure an optimum service is delivered to children, parents, and private foster carers.

## 5. National Minimum Standards

The London Borough of Barnet Fostering Service will comply with and, wherever possible, surpass the National Minimum Standards for Private Fostering 2005.

It must be emphasised that private fostering has been, and remains in some respects a hidden phenomenon. This character has caused great concern with regard to children's welfare for many years, owing to the difficulty of discovering, supervising and monitoring such arrangements. Consequently, concerns about poor standards of care, and, for example, failure to meet the cultural/religious needs of children have been prominent in a number of areas.

Estimates of the numbers of children who are in private fostering arrangements have varied considerably, with the British Association for Fostering and Adoption (BAAF) suggesting that as many as 15,000 children may be privately fostered nationally at any one time; however, no reliable figures are available.

As a result of the hidden nature of private fostering and the concerns about privately fostered children's welfare in the **Laming Report**, in 2005 the government increased regulation and strengthened requirements, introduced minimum standards, and improved its own monitoring of local authority services. Although notification of private fostering arrangements by carers and parents of children placed is now required, and failure to notify is an offence, the government, as yet, has declined to introduce a system of registration for private foster carers.

Barnet too encounters the same difficulties as many other authorities with regard to private fostering, but is committed to pursuing a vigorous policy of awareness raising, reporting, assessment and monitoring, regulation and support.

## 6. Children in private fostering arrangements

From 1 April 2018 to 31 March 2019, there were 10 private fostering notifications received by the London Borough of Barnet.

In March 2019, the London Borough of Barnet had 4 current private fostering arrangements with 6 children placed.

We recognise that this is low and hence the need to boost advertising to spread awareness.

## 7. The London Borough of Barnet – duties, responsibilities and functions

The **Children Act 1989** and **Children (Private Arrangements for Fostering) Regulations 1991** laid down certain broad requirements on the local authority in relation to private fostering arrangements.

These are: for the local authority to consider the child's interests first, raise and promote awareness of private fostering in their local authority area, and increase notifications of private fostering.

The legislation required the local authority to make regular visits to the private foster home to ensure that children are safe and well cared for, and ensure that checks on private foster carers and the household are done, and decide whether the private fostering arrangement is suitable.

Where the care or the accommodation provided is found to be unsuitable the local authority is required to prohibit the placement or make requirements of the carer which will enable the said carer or accommodation to reach minimum required standards.

The legislation gave a general duty to the local authority to consider whether the privately fostered child is a 'child in need' (as defined by the Act), and also consider where local authority support and further services could further the private foster carer's ability to meet the needs of the child. However, problems with notifications and compliance with the old legislation led to new more rigorous measures in the Children Act 2004, and the Children (Private Arrangements for Fostering) Regulations 2005.

The recent regulations, together with the new standards, are meant to address the problems of lack of compliance and low incidence of notifications in the former requirements. They were introduced with a view to strengthening the local authority's role in relation to private fostering, enhancing the system of notification, as well as more effectively raising public awareness of the arrangements and requirements.

Although the private foster carer thereby becomes responsible for the day to day care of the child/young person, and consequently must safeguard and promote his/her welfare, the primary responsibility for the child remains with the parent(s) (or person(s) with parental responsibility. There is a duty on the parents/those with parental responsibility, and the person privately fostering the child to notify the local authority of the private fostering arrangement proposed or made.

Where it is proposed that a child is to be privately fostered, notification must be given to the local authority by the foster carer at least six weeks before the private fostering arrangement is to begin (regulation 3 (a)).

Notification must be given immediately if arrangements are to begin within six weeks (regulation 3 (b)), and also given immediately where a child is already being privately fostered by the foster carer (regulation 5).

Parents, or those with parental responsibility, involved in or knowing of a proposed private fostering arrangement must also notify the appropriate local authority as soon as possible (regulations 3 (2) and 3 (3)). Notification of the end of a private fostering arrangement is also required under the provisions of regulation 10, and regarding a foster carer's change of circumstances, as prescribed in regulation 9.

The London Borough of Barnet is required to raise public awareness of the new requirements regarding notification, and of private fostering generally. It is charged with specific duties and responsibilities under the recent legislation to ensure that private fostering arrangements are assessed as suitable and safe, meet the child's needs, and promotes the child's welfare. Assessments and supervision of placements/child's welfare, ongoing visits to monitor placements to consider whether the arrangement remains suitable, must be carried out within statutory timescales (regulations 7 & 8), and a more pro-active approach is enjoined on the local authority.

As mentioned above, national minimum standards for private fostering have also been introduced alongside the 2005 regulations by the government (Department for Education and Science) in order to strengthen the regulations, and local authorities are inspected by Ofsted in relation to these standards. (National Minimum Standards for Private Fostering 2005.)

Private foster carers are not formally approved or registered. An assessment report for each private fostering placement in the county is completed by social workers and is submitted to the lead manager for Private Fostering for consideration of the suitability of the private fostering arrangement.

Under the regulations and national minimum standards for private fostering, London Borough of Barnet has a duty to promote awareness of the notification requirements, and ensure that those professionals who may come into contact with privately fostered children understand their role with regard to notification.

Additionally, the local authority must respond effectively to notifications and also deal with situations when a private fostering arrangement which has not been notified comes to its attention.

In carrying out its duties the local authority must determine the suitability of all aspects of the arrangements made for privately fostering a child in accordance with the regulations.

It examines, among other matters:

- the intended duration of the arrangement
- the wishes and feelings of the child
- the child's physical, intellectual, emotional, social, and behavioural development are appropriate and satisfactory
- the child's needs arising from his/her religious persuasion, racial origin, cultural and linguistic background are being met.

Additionally, the service must assess the capacity of private carers to look after the child, and the suitability of all family members. It must determine whether the child poses any risk of harm to children already in the private foster carer's household and whether any person living in the household poses a risk of harm to him/her.

In delivering its service the local authority provides such advice and support to private foster carers and prospective foster carers as appears to be needed. Carers and parents receive advice and support to help them meet the needs of privately fostered children. The children are also enabled to access information and support when required, thus helping to ensure that their welfare is safeguarded and promoted, and as well as allowing them to participate in decisions made about their lives. Each child has a dedicated worker with whom they may make contact.

The services that the local authority provides, and the way that the authority discharges its duties and responsibilities, are constantly monitored. This monitoring both informs the service and leads to further improvement in service quality.

## 8. Training of staff

The London Borough of Barnet has arranged an ongoing programme of workshops to raise awareness and increase knowledge and understanding of private fostering. These workshops have been organised for relevant staff within the borough and a view to extend it to partner agencies, including Health, the Youth Service and other relevant professionals.

## 9. Raising awareness – how Barnet does this

The Fostering Service seeks to raise awareness of the notification requirements specifically, and of private fostering generally, in a number of ways (**Children Act 1989 Schedule 8/Children Act 2004 (para.7A)**).

- Leaflets
- Website
- Information sessions
- Local media

The awareness raising strategy is under continuous review and appraisal in order to evaluate effectiveness and consider new ways of reaching local people who may be involved in private fostering.

## **10. Notification of private fostering arrangements**

Information to be provided in notifications is set out in Schedule 1 of the 2005 Regulations. (Schedule 1 relates to regulations 3 and 5).

When the service is notified of a private fostering arrangement it will ensure that all children/young people placed in a private fostering arrangement are seen within seven working days.

## **11. Welfare of children who are to be privately fostered**

The main features of the local authority assessment are outlined in Schedule 2 which relates to the actions which must be taken by the local authority laid down in regulation 4. Importantly, under regulation 4, following the notification, and within seven working days the social worker is required to visit and see the child where the child is cared for and accommodated (speak to the child alone unless the assessor deems this to be inappropriate), visit and speak to the proposed private foster carer and all members of the household, and speak to and visit if practicable to do so, every parent or person with parental responsibility for the child. They must also establish such matters listed in Schedule 2 as appear relevant and produce a written report for the local authority.

## **12. Welfare of children who are privately fostered**

Schedule 3 outlines in a similar way the requirements of an assessment which is made where the child is already in placement (it relates to regulations 7 and 8).

In both circumstances, the overall assessment and the suitability of the private foster carer and the household, the assessment of the child's needs and statutory checks must be completed and presented to the Agency Decision Maker within 42 working days, or when the result of the enhanced DBS check is received, whichever is sooner. Thereafter, the service arranges visits to children and private foster carers at intervals - and in the manner-prescribed in regulation 8 (1) (a) & (b), 8 (2).

## **13. Assessments – suitability of private foster carers and foster carer household**

Following the notification and initial visit, an assessment is completed by the relevant social worker in the private fostering service. The assessment examines the suitability of the

private foster carer, and the carer's household, among other matters. If it is decided that the child concerned is a child in need, he/she will be allocated a social worker and be supported under a child in need plan.

The assessment, and such services that may be provided, may obviate the need for a private fostering arrangement to be made or to continue. If the child is referred to a children's social work team, supervision of the child and case accountability is held in that team. The supervision of the carers is maintained in the Fostering Service.

The private fostering assessment report is read and signed off by the Private Fostering Team Manager and submitted to the Agency decision Maker for consideration. As indicated above, the Agency Decision Maker does not formally approve private foster carers but makes a decision about the suitability of the arrangements.

## **14. Placement agreements**

As part of the initial assessment a Placement Agreement meeting is convened and chaired by the relevant social worker for private fostering. The meeting is attended by children and if appropriate, the child's parents, the private foster carer and any other agencies as appropriate.

The purpose of the meeting is to gain agreement on the following matters:

- the purpose of the private fostering arrangement
- the likely duration of the placement
- arrangements for contact - how the child is going to keep in contact with his/her parents
- financial arrangements
- educational arrangements - ensuring that the educational needs of the child are/will be met
- health needs - ensuring that all the health needs of the child are being met, including dietary needs and preferences
- ethnic, cultural, religious and linguistic needs of the child, and how these are addressed
- social work support and visits
- liaison with other agencies

## **15. Private fostering casework**

Where the child is placed with Private Foster Carers, the child's parents or anyone involved and aware of such an arrangement, must inform the London Borough of Barnet in writing, at least 6 weeks before the arrangement begins. If the arrangement is made at short notice, the private foster carer must or those involved with the child, i.e. the school, GP etc, inform London Borough of Barnet immediately after the placement is made.

Upon notification of a Private Fostering arrangement; the following steps will be followed:

1. MASH will notify the private fostering lead about the notification, who will allocate the family to a social worker within Carer Recruitment and Assessment Team (CRAT).
2. The social worker will need to ensure that a visit is arranged within 7 days to start the private fostering assessment.
3. The assessment will need to be completed within 42 days of the notification.
4. The child/young person needs to be spoken to alone during the assessment.
5. The social worker will need to ensure that all people with parental responsibility are consulted and that at least one such person has given the permission for the private fostering arrangement. If the persons with parental responsibility has not given permission for the private fostering arrangement, they should be encouraged to resume the care of the child/young person. However, following the case law of *Knowsley v R Collins, 2008* and *Coventry v A (R) 2009*, it was concluded that a child/young person can put themselves in a private fostering arrangement without the consent of the people with parental responsibility and the local authority will need to carry out its duties in relation to private fostering.
6. As part of the assessment, the social worker will need to ensure that all members of the household, who are above the age of 16 have had an enhanced DBS, a local authority check and the GP agency check.
7. The DBS will need to be renewed every 3 years.
8. The assessment will need to be signed off by the Team Manager/Lead of Private Fostering. If any previously undisclosed criminal offense are stated in the enhanced DBS, a decision will need to be made whether a risk assessment would be needed or disqualification would be required.
9. If following checks and risk assessment, an event so arises that the carer should be disqualified from caring for a child (common reasons can be conviction at any time of certain offence, own child subject to Carer Order/Supervision Order, etc), a letter will be sent to the carer who will be advised that an appeal may be made to the family proceedings court within 14 days of the notification of that decision. With the carers permission, the parents will need to be advised so they can make alternative arrangement for the care of the child.
10. Once it is established that it is a private fostering arrangement, the social worker will undertake 6 weekly visits in the first year of the placement and 12 weekly thereon, unless more frequent visits are needed.
11. Carers will have access to the same training profile as is open for other mainstream carers for the service.
12. Every year, there will be an annual review of the private fostering household to assess the continued suitability of the arrangement.
13. The social worker will continue to make contact with the birth family to discuss progress, concerns, changes, plans etc.
14. Any concern raised by the child/young person will need to be investigated. If concerns are substantiated and the carers are not assessed to be suitable to care for the child/young person, this will be communicated to the parents so alternative arrangements are made by them.

15. All private fostering cases will be monitored by the social worker in CRAT, however, children who require additional services under Children's Act 1989 will be allocated a social worker from within that relevant children's team.

## 16. Private Fostering Service Review

Auditing will be put in place to ensure compliance with Reg 12; i.e. statutory visits timescales, decisions about placement suitability and approval by managers, investigation of concerns raised by children/young person.

An annual report to include the statistics and outcomes and an analysis on the welfare of privately fostered children will also be compiled and submitted to the Local Safeguarding Board/Partnership and the Director of Children Services. The directorate must satisfy that its systems are effective in the protection of privately fostered children and that the steps taken are documented adequately.

## 17. Ending a Private Fostering Arrangement

A person who has been privately fostering must notify the London borough of Barnet within 48 hours of the arrangement ceasing.

## 18. After care

**Disabled Children:** The local authority will provide details of its procedure for transition planning (disabilities team) to all disabled privately fostered children who qualify for on-going support.

**Post 16 Support:** Children without a disability do not qualify for Leaving Care services, but they and their carers will be given information about opportunities for independent living, further education and any other support agencies at the final statutory visit before they turn 16 years old. Children who require additional support at the age of 16 will be referred to their local assessment team.