



DARLINGTON

Safeguarding Children Board

Private Fostering Guidance



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1. Introduction

This guidance has been developed to provide information for those who are arranging private fostering or providing private fostering. There is a legal requirement for you to advise Darlington Borough Council.

The current arrangements for the regulation of private fostering arise from concerns following the death of Victoria Climbié in 2000. Victoria was privately fostered by her great aunt. Arrangements were initially laid out in the Children Act 2004. Following this, the Children (Private Arrangement) Fostering Regulations 2005 set out the duties of local authorities in their arrangements for private fostering.

Further information on Private Fostering Arrangements are available on [Darlington Borough Council website](#).

2. Legislation

[Section 44 of the Children Act 2004](#) updated legislation regarding private fostering and came into force on 1 July 2005. At the same time the Children (Private Arrangements for Fostering) Regulations 1991 were replaced by the [Children \(Private Arrangements for Fostering\) Regulations 2005](#). The 2005 regulations are made under the Children Act 1989.

The Department for Education also published [National Minimum Standards for Private Fostering](#) which came into force on 18th July 2005. There are 7 standards applying to private fostering which are minimum standards not “best possible” practice.

3. Definition

A private fostering arrangement is essentially one that is made privately (i.e. without the involvement of a local authority) for the care of a child under the age of 16 (under 18, if disabled) by someone other than a parent or close relative with the intention it should last for 28 days or more.

Private foster carers may be from the extended family such as a cousin or a great aunt or uncle. However, a person who is defined as a relative under the Children Act 1989 i.e. a grandparent, brother, sister, uncle or aunt (whether of full blood or half blood or by marriage) or step-parent cannot be a private foster carer.

A private foster carer may be a friend of the family, the parent of a friend of the child, or someone previously unknown to the child’s family who is willing to privately foster a child.

Other examples of private fostering would be a child:

- Living with the family of a boyfriend or girlfriend
- Staying with another family because their parents have divorced or separated or there has been an argument at home
- Sent to this country, for education or healthcare by parents who live overseas
- Living with family friends because their parents study or work which involves unsociable hours
- Educated at a boarding school and staying during the holidays

- On a language school or holiday exchange

4. Local Authority Duty

Local authorities have a duty to make sure that children who are, or will be, privately fostered have their welfare safeguarded and promoted. Within each local authority there must be a designated manager who has expertise in private fostering.

The local authority must promote public awareness of private fostering and the requirement for the birth parents or relatives of the child, the prospective private foster carer and any member of the public or professionals to notify the local authority of private fostering arrangements.

The local authority must ensure that its duties and functions in relation to private fostering are included in induction and other training programmes for staff and other professionals.

The local authority must have an effective monitoring system in place to track all privately fostered children in their area. This is to ensure the child's welfare is safeguarded and promoted.

5. Notification of a Proposal to Privately Foster a Child

There is a legal duty under The Children Act 1989 stating parents and carers MUST notify the local authority if their child will be in a private fostering arrangement. This notification should be no less than 6 weeks before the arrangement starts or in the case of an emergency within 48 hours.

Anyone failing to inform the local authority of a private fostering arrangement will have committed an offence under section 70 of the Children Act 1989.

Notification of a private fostering arrangement must be made to Darlington's Children's Access Point (CAP) using either of the following methods:

Telephone: 01325 406222 or

Email: childrensaccesspoint@darlington.gcsx.gov.uk

As a professional, if you are made aware a child is being privately fostered, you must encourage the parent / carer to notify CAP. If you are not satisfied the parent / carer would notify CAP about the arrangement, it would become your professional duty to make a referral to CAP.

6. The Role of the Social Worker

The social worker will request initial information regarding the private foster carer upon notification. This will include addresses over the last 5 years, the intended duration and purpose of this private fostering arrangement, and the cultural and linguistic background of the child.

There must also be DBS checks undertaken on every member of the private foster carer's household who are aged over 16. If safeguarding issues are raised the private carer may be disqualified from caring for this child. If the private foster carer's

own child is cared for by the local authority this would immediately disqualify them from being private foster carers.

The social worker must speak to and, where possible, visit the parents or anyone else with parental responsibility to confirm they have agreed to the private fostering arrangements. The social worker will visit the private foster carer and check they are suitable to be carers for the child. This covers areas such as having the finances to care for the child, meeting their health and education needs, and arranging contact with birth family members.

An assessment will be undertaken of the private foster carer's ability to meet the needs of the child appropriately. The child will have a separate single (child and family) assessment with an outcome of private fostering which will activate the private fostering pathway on LiquidLogic (Children Social Care's electronic system). Full procedures for social workers undertaking private fostering work are held on Tri-X (Children Social Care's policies and procedures system).

It is good practice to have a written agreement with the private foster carer, birth parent and social worker so that day to day decisions are agreed, for example, who will attend parents' evening at school, and who will take the child for day to day medical treatment. The parents will always retain parental responsibility for the child and this cannot be delegated to the private foster carer.

The child must be visited by a social worker within the first 7 days of the start of the private fostering arrangement, then every 6 weeks for the first year, and every 12 weeks thereafter. As per any other visits to children the social worker must see the child on their own unless it is assessed as not appropriate to do so. The child's wishes and feelings must be sought and they should be provided with a leaflet on private fostering dependent on their age and understanding. The overriding concern is the child's welfare, whether they wish to continue to live with the private foster carer, and whether their needs are being met. The social worker should also undertake unannounced home-visits as part of the visiting schedule.

7. Private Foster Carer

The social worker must ensure the private foster carer has enrolled the child at school, registered them with a GP, optician, and dentist. The private foster carer must also keep a record of the child's development and progress made.

The social worker will advise the private foster carer how to claim child benefit and any other applicable benefits.

The private foster carer must inform the social worker if they move house or if there is any other significant change in their circumstances. If they move to another local authority that authority must be informed and will then be responsible for the monitoring of the private fostering arrangement.

8. Research and Guidance

For more information about private fostering - [Somebody Elses Child website](#) by [Coram BAAF](#)

[Department for Education National Minimum Standards for Private Fostering](#)

[Darlington Borough Council Website](#)

[Darlington Safeguarding Children Board Website](#)

[Department for Education – Children Act 1989: Private Fostering](#)

[Child Law Advice – Private Fostering](#)