

Private Fostering: Policy, Procedures & Practice Guidance

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1 Introduction

This document outlines Bracknell Forest Policy, Procedures and Practice Guidance in relation to arrangements made under Private Fostering Regulations. This policy & procedures document should be read in conjunction with the following:

- Bracknell Forest Council Policy and Procedures relating to the placement of children under Family and Friends Care (Kinship) arrangements
- Children (Private Arrangements for Fostering) Regulations 2005
- Replacement Children Act Guidance on Private Fostering which replaces Chapter One of Volume 8 (Private Fostering and Miscellaneous) of the Children Act 1989 guidance, which was first published in 1991, and incorporates guidance on the new measures in the Children Act 2004, and in the new Children (Private Arrangements for Fostering) Regulations 2005 as effective from July 2005.
- National Minimum Standards for Private Fostering (2005)
- 'The Care of Children: Principles and Practice in Regulations and Guidance' (DOH 1989)
- The Disqualification from Caring For Children (England) Regulations 2002

2 Legal Framework

The existing legislation relevant to private fostering is set out in Part 9 of, and Schedule 8 to, the Children Act 1989, and regulations made under Part 9 of that Act: the Children (Private Arrangements for Fostering) Regulations 2005.

Section 67 of and Schedule 8 to, the Children Act 1989 were amended by Section 44 of the Children Act 2004..

The Children Act 2004 inserted a new paragraph (7a) into Schedule 8 of the Children Act 1989 which places a duty on local authorities to promote public awareness in its area of the notification requirements

The amended section 67(1) extends the duty of local authorities to satisfy themselves that the welfare of children who are privately fostered within their area is being satisfactorily safeguarded and promoted to include children who are proposed to be privately fostered.

The amended section also extend the duty of local authorities to secure that such advice is given to those caring for privately fostered children as appears to them to be needed to include all those concerned with a child who is proposed to be, or who is actually, privately fostered

The regulations require local authorities to satisfy themselves of the suitability of a proposed arrangement or otherwise exercise their powers to prohibit, or to impose requirements on, the arrangement before the child is privately fostered, where advance notice of the arrangement is given, thereby providing additional safeguards for privately fostered children.

When advance notice is not given or a private foster placement is made in an emergency, the local authority has similar duties to satisfy itself of the suitability of the arrangements or to otherwise exercise their powers to prohibit or otherwise impose requirements on the arrangement.

3 Definitions and Exemptions (Schedule 8 of the Children Act 1989)

3.1 Definitions

3.1.1 Privately Fostered child

A child who is under the age of 16 years (18 years for a child who is disabled) who is cared for and provided with accommodation under a private arrangement by someone other than:

- The child's parent(s)
- A person who has parental responsibility.
- A relative of the child.

'Relative' in relation to a child, means a grandparent, brother, sister, uncle or aunt (whether full blood or by affinity), or step-parent. 'Affinity' means by marriage to someone of blood relationship with the child.

A step parent is someone who is or has been a party to a marriage in relation to whom the child is a child of the family (Section 10 (5) a Children Act 1989)

Key note: This means that placements with more distant relatives fall within the scope of the Private Fostering Regulations.

The arrangement must be intended to last for 28 days or more.

The period for which the child is cared for should be continuous, but that continuity is not broken by the occasional short break.

Where a child is under 16 years and is a pupil at an independent school and lives at the school during school holiday for a period of more than two weeks, he/she will be subject to private fostering regulations, unless one of the exemptions below applies.

Where parents of children placed at independent schools make arrangements for their children to be cared for during holiday periods, such arrangements may constitute private fostering agreements, whether arranged privately or through a guardianship agency, but only where the child is cared for for a continuous period of more than 27 days.

A person may act as a registered child minder for children under eight years old, including overnight stays for up to 27 days. If the intention is that such an arrangement will last continuously for more than 27 days, the placement is a private foster placement.

3.1.2 Area Authority

The local authority in whose area the foster parent lives, if that is different from the responsible authority for the child.

3.1.3 Responsible Authority

In relation to the child, the local authority responsible for the child's placement.

3.2 Exemptions

Children will not be privately fostered children:

- Where the arrangements last for less than 28 days and are not intended to extend beyond that period.
- Where the child is being looked after by a local authority.
- Where the child is in the care of any person whilst living in one of the following (unless the person caring for the child is doing so in his/her personal capacity, rather than as part of his/her duties in relation to the establishment):
 - A children's home
 - Accommodation provided by, or on behalf of, a voluntary organization. Any school in which he/she is receiving full-time education (either during term time or residing there for less than two weeks of any school holiday).
 - Any health service hospital.
 - Any care home or independent hospital.
 - Any home or institution provided, equipped and maintained by the state where the child is in care of any person in compliance with:
 - An order under Section 63(1) of the Powers of Criminal Courts (Sentencing) Act 2000.
 - A supervision requirement under the Social Work (Scotland) Act 1969.
 - Detention or guardianship orders under the Mental Health Act 1983.
- Placement for adoption by an adoption agency.

4 Policy Statement – Private Fostering

Bracknell Forest Borough Council Children Young People and Learning

- Ensure that there is a high level of public awareness of the various requirements of the Private Fostering Regulations by developing and implementing an ongoing communications strategy for this purpose
- Ensure that key staff in relevant departments and professionals in other relevant agencies are conversant with the requirements of the regulations by incorporating relevant materials into its in house staff training programmes and other multi agency training events.
- Respond effectively to any notifications about private fostering and to satisfy itself that the welfare of children who are privately fostered within the Bracknell Forest area is being satisfactorily safeguarded and promoted including children who are proposed to be privately fostered.
- Provide such advice to those caring for privately fostered children as appears to be needed – and to all other individuals concerned with a child who is proposed to be, or who is actually, privately fostered.

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- In the event that it is not satisfied that the arrangement is going to be suitable make arrangements for the care and accommodation of the child to be undertaken by his/her parents, others with parental responsibility, or a relative and consider whether and to what extent it should take any other actions to safeguard the child and promote its welfare in accordance with its wider duties under the Children Act 1989
- Develop and maintain systems for monitoring and reporting on the extent of its compliance with the new Regulations including appointing a designated person with responsibility for monitoring such compliance and taking the lead on the development of this area of service provision.
- Work to support and encourage parents, carers and interested others to make arrangements that comply fully with the requirements of the regulations and refrain from prosecuting individuals who breach the regulations except in exceptional cases, where there is a clear, flagrant or persistent breach of the regulations and compelling supporting evidence.

When children from Bracknell Forest are placed out of area with private foster carers in circumstances where Bracknell Forest Council Children's Services Department has been involved in brokering such arrangements, the department will seek to ensure that the local authority where the private foster carer(s) resides is formally notified of the private foster placement so that the area authority is enabled to fulfil its duties under the new regulations.

5 Duties of the Local Authority

Local Authorities have a duty to:

- Publicise and make available advice and information to prospective private foster carers, parents and others on the requirement to notify
- Ensure relevant local authority staff are sufficiently conversant with the requirements of the regulations
- Respond appropriately to notifications received, and ensure that proper checks, and visits, are carried out within required timescales
- Satisfy themselves that the welfare of privately fostered children in their area is satisfactorily safeguarded and promoted by assessing the suitability of all aspects of a private fostering arrangement in accordance with the Regulations
- Take steps to ensure that private foster carers, and their households and premises provide an environment in which the welfare of the child concerned will be safeguarded and promoted in accordance with the Regulations (Parents also have a specific duty to ensure their child's welfare is promoted)
- Make arrangements for privately fostered children to be visited by an officer of the Authority at prescribed intervals.
- Ensure that privately fostered children are seen at each visit, and seen alone unless it is considered inappropriate and that a written report is made after each visit.
- Investigate any complaints made by privately fostered children
- Provide private foster carers, parents, and all concerned with such advice and information they may need to promote the child's welfare

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- Inform parents (or others with parental responsibility) of any concerns that they may have about the welfare of privately fostered children
- Consider whether it needs to exercise any wider powers allowed under regulations, e.g. prohibition of arrangements, or disqualification of persons.
- Where they are not satisfied that the welfare of a privately fostered child is being, or would be, satisfactorily safeguarded or promoted, take steps to secure that the child is looked after by a parent or relative of his, or someone else with parental responsibility, and consider the extent to which (if at all) they should exercise any of their functions under the Children Act with respect to the child
- Inform the private foster carer and parents and others concerned in writing of any requirements, disqualifications or prohibitions that it may impose during the course of fulfilling its duties and provide information about how they may appeal against any decisions made by the local authority in respect of the Private Fostering Arrangement.
- Develop systems for monitoring their compliance with the various requirements of the Regulations
- Take action to improve practice where necessary
- Provide annually to the Director of Children's Services an evaluation of the outcomes of their work in relation to safeguarding and promoting the welfare of the privately fostered children in their area
- Report annually to the Chair of the Area Children Protection Committee (or its successor body the Local Safeguarding Children Board) on how they safeguard and promote the welfare of privately fostered children, including how they co-operate with other agencies in this connection.

6 Powers of the Local Authority

The local authority may:

- Impose requirements on the person who is or intends to privately foster a child as to:
 - a) The number, age and sex of children who may be privately fostered by her/him.
 - b) The standard of the accommodation and equipment to be provided for them
 - c) Arrangements with respect to the child's health and safety
 - d) Particular arrangements relating to the provision of care which must be carried out.
- Impose prohibitions in respect of the private arrangements, in the following circumstances:
 - a) If the private foster carers is not suitable to care for a child under private arrangements
 - b) If the premises are deemed to be unsuitable
 - c) If it would be prejudicial to the child's welfare for him/her to be or to continue to be fostered by the person in the premises concerned.
- Disqualify the person from acting as a private foster carer in certain circumstances, e.g. If he/she is a parent of a child who has been made subject of a Care/Supervision Order, etc, or if he/she has been convicted of offences described in a relevant schedule.

Section 68 of the Children Act 1989 deals with disqualification from being a private foster carer. The Regulations made under Section 68 are the Disqualification From Caring for Children (England) Regulations 2004. (See annex 5 for legal guidance)

7 Accountability: Roles and Responsibilities Of Staff

The family placement service and the children and families fieldwork service have overlapping duties in relation to private fostering and a shared responsibility to assess and evaluate the suitability of private foster placements. The respective responsibilities of the individual allocated staff are outlined below. These lists are not intended to be exhaustive or exclusive. In practice, a number of areas will require inputs from social workers in both teams and the family placement team will also have primary responsibility for promoting public and professional awareness of the requirements of the private fostering regulations.

In the event that there is any disagreement between staff as to the suitability of a proposed or actual private foster placement a meeting should be convened between the two social workers and their line managers at the earliest opportunity for agreement to be reached about how the matter will be progressed. If the disagreement about suitability cannot be resolved at this level, the matter should be referred to Head of Services for a decision.

8 Responsibilities of The Family Placement Social Worker

The primary role is to:

- Conduct an initial evaluation of the suitability of the private foster carers and other members of the household
- Conduct an initial evaluation of the suitability of the accommodation and the wider environment.
- Liaise closely with the child's social worker about the suitability of the placement and the extent to which the placement is meeting or is likely to meet the child's needs and otherwise promote his/her welfare
- Make recommendations to the department's fostering panel as to the suitability of the private arrangement in all respects required by regulations
- To provide additional advice, support and assistance to the carer, parent, others with parental responsibility or otherwise concerned, where necessary

The family placement social workers involvement will usually end shortly after the matter has been presented to the department's fostering panel. However, in some circumstances, the family placement social worker may continue to be involved subject to agreement by the family placement team manager – for example, where it is deemed necessary to provide additional support to the private foster carer in circumstances where such involvement is needed to safeguard and promote the child's welfare.

9 Responsibilities of The Child's Social Worker

The primary role is to:

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- Make initial contacts with the private foster carer, the child, parents, others with parental responsibility or who are otherwise concerned to gather basic information about the proposed or actual placement.
- Conduct an single assessment of the child's needs
- Evaluate whether the provision of support or other services would diminish the need for the child to be placed with private foster carers
- Ensure that proper arrangements are made between interested parties as to the child's care in all-important respects.
- Evaluate the extent to which the child's needs are being or are likely to be met by placement with the specific private foster carers
- Make recommendations to the department's fostering panel as to whether the child's welfare is being or is likely to be promoted by his/her placement with the private foster placement
- Provide ongoing advice, support and assistance to the carer, parent, others with parental responsibility or otherwise concerned, where necessary
- Supervise the ongoing placement and conduct an ongoing evaluation of its suitability for the specific child
- Monitor the carer's compliance with any requirements that have been made
- Consider what other action should be taken or services provided to promote the child's welfare
- In the event of concerns, take action in accordance with the department's wider policies, procedures and duties to Children in Need.

10 Practice Guidance: Notification Requirements

This section seeks to provide staff with practice guidance in relation to the notification requirements as set out in the Children (Private Arrangements for Fostering) Regulations 2005 and the associated replacement Children Act Guidance on Private Fostering (2005)

10.1 Notification Of The Private Fostering Arrangement And Changes In Circumstances

There is a shared and individual responsibility for interested individuals to notify the local authority in relation to private fostering, as below:

A person who proposes to privately foster a child and is not yet caring and providing accommodation for that child is required to notify the local authority in writing not less than 6 weeks and not more than 13 weeks before he receives the child, unless he is to receive him in an emergency (Regulation 3(1)).

A parent of a child, or any other person with parental responsibility for the child, who proposes, or knows that it is proposed that the child is to be privately fostered must notify the local authority in writing not less than 6 weeks and not more than 13 weeks before the arrangement is to begin, unless the private fostering arrangement is made in an emergency (Regulation 3(2)).

A person who is involved (whether or not directly) in arranging for a child to be privately fostered shall notify the appropriate local authority in writing not less than 6 weeks and not

more than 13 weeks before the arrangements is to begin, unless the arrangement is made in an emergency (Regulation 3(3)).

10.2 Content of Notice

Regulations 3(4) and 7(2) require that the content of the notice must specify:

- the name, sex, date and place of birth, religious persuasion, racial origin and cultural and linguistic background of the child
- the name and current address of the person giving notice and any previous address of his within the last 5 years
- the intended duration of the private fostering arrangement
- the name and address of the parent of the child or of any other person with parental responsibility, and (if different) of the person from whom the child is to be received
- the name and address of any brothers and sisters (where known)
- the name and address of any other person who is involved in making the arrangement
- the intended date on which the arrangement will begin
- the particulars of any offence of which the proposed private foster carer has been convicted
- any disqualification or prohibition imposed on the proposed private foster carer under section 68 or 69 of the Children Act 1989, and any such conviction, disqualification or prohibition imposed on any other person living, or employed at, his household.

A person who gives notice that he proposes to privately foster a child must within 48 hours of receiving that child notify the local authority that he has received the child (Regulation 9).

10.3 Notifications by a person already privately fostering a child

Any person receiving a child in an emergency or already caring for and providing accommodation for a child, when he became a 'privately fostered child', must notify the local authority for the area in which the child is privately fostered, and should do so in writing not more than 48 hours after the private fostering arrangement begins (Regulation 7(1)).

Regulation 7(2) requires that the content of the notice must specify:

- the name, sex, date and place of birth, religious persuasion, racial origin and cultural and linguistic background of the child
- the name and current address of the person giving notice and any previous address of his within the last 5 years
- the intended duration of the arrangement
- the name and address of the parent of the child or of any other person with parental responsibility, and (if different) of the person from whom the child was received
- the name and address of any brothers and sisters (where known)
- the name and address of any other person who was involved in making the arrangement
- the date on which the arrangement began
- the particulars of any offence of which the proposed private foster carer has been convicted

- any disqualification or prohibition imposed on the proposed private foster carer under section 68 or 69 of the Children Act 1989, and any such conviction, disqualification or prohibition imposed on any other person living, or employed at, his household.

10.4 Changes of Circumstances

Regulation 13 requires that private foster carers are required to notify the local authority in writing of certain changes in circumstance, in advance if practicable, but not more than 48 hours after the change. They are required to notify the local authority of:

- any person who begins or ceases to be part of their household; and
- any new conviction, disqualification or prohibition of theirs or any person living, or employed, in their household.
- any change in their address (if change to another local authority area see below for duty to notify other authorities)
- If the child leaves their household – or the private foster placement is otherwise ended.
- the child's death

10.5 Notifications to other authorities

If the carer moves to another local authority area – including Scotland, Wales [and Northern Ireland] – the authority receiving the notice must inform the other local authority of the new address.

In informing another local authority that a private foster carer has moved to their area it is good practice to draw their attention to any important matters relating to the welfare of the child (e.g. a disability or health problem), special educational needs or the suitability of the private foster carer. It is also good practice for the local authority to notify other agencies of a change in address, e.g. the Primary Care Trust if the child has special health needs.

10.6 Duties of other professionals to notify the local authority

Teachers, health and other professionals should notify the local authority of a private fostering arrangement that comes to their attention, where they are not satisfied that the local authority have been or will be notified of the arrangement, so that the local authority can discharge its duty to safeguard and promote the welfare of the privately fostered child

11 Private Fostering Procedures – Children's Social Care

11.1 Awareness Raising

The family placement team should take action at regular intervals to raise and maintain public awareness of the need for private foster placements to be formally notified to the department. These public awareness efforts should be geared at raising the awareness of parents, prospective and actual private foster carers and professionals in all relevant partner agencies. The department will seek to raise awareness by:

- Holding periodic workshops with representatives from other local authority departments, relevant voluntary and statutory agencies and by otherwise incorporating guidance on private fostering into relevant inter-agency training.

- Placing advertisements in the local media at intervals
- Arranging for posters and/or public information leaflets to be displayed in key locations. E.g. schools and GP practices, Children's Information Service, Housing. Youth services, YOT etc
- Identifying any other relevant organisations and groups and offering to give them a presentation on private fostering
- Including reference to private fostering requirements in relevant departmental publications.
- Taking such other action as may be required to promote professional awareness of private fostering requirements across the department and within partner agencies.
- Making reference to notification requirements on the department's Website.
- Notifying local language schools and other similar organisations of their duties under Private Fostering Regulations
- Providing periodic training to existing private foster carers to provide them with support and advice and to otherwise ensure that they are fully conversant with the requirements of the regulations and associated national standards

11.2 Monitoring the Effectiveness of Public Awareness Raising Activity

The department will monitor the level of public awareness by collating and evaluating relevant data that is input onto the department's ICS system, 'Framework i' and reported within the DCSF return.

The effectiveness of its public awareness raising activity will be evaluated at annual intervals in the process of updating and revising the family placement service business plan. This business plan will identify what further actions will be taken in the next period to maintain public and professional awareness and to address any identified deficits in reporting of private fostering arrangements. The outcome of this annual evaluation process will be reported to the Chief Officer, Children's Social Care and to the Local Safeguarding Children Board.

12 Action Required Following Formal Notification of A Proposal To Place A Child With Private Foster Carers

The Children (Private Arrangements for Fostering) Regulations 2005 require local authorities to satisfy themselves of the suitability of a proposed arrangement or otherwise exercise their powers to prohibit, or to impose requirements on, the arrangement before the child is privately fostered, where advance notice of the arrangement is given, thereby providing additional safeguards for privately fostered children.

Notifications may be received by staff in the Duty and Assessment team or staff working in longer-term fieldwork teams.

If a verbal notification is received, staff should explain the legal requirement for the notification to be made in writing and provide the person making the notification with a copy of the department's standard notification form to use.

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At the point of receiving written notification, staff should ensure that the matter is formally recorded on the department's ICS system, 'Framework i' and provide written confirmation that the notification has been received.

If notification is received from another local authority about a private foster placement in the Bracknell Forest area, care should be taken to ensure that full written information is received from the previous authority including, where available, details of any previous assessments of suitability, reports on the subsequent progress of the placement and any concerns that may have arisen.

Following notification, contact should be established with relevant parties ASAP and the following action taken:

12.1 Initial Contacts by Field Work Staff

During initial contacts with parent and private foster carers, the relevant social worker should:

- Notify the family placement team and arrange for the matter to be provisionally booked into the fostering panel
- Check whether the arrangement falls within the scope of the Private Fostering Regulations – see earlier section for a definition
- Check whether the written notification addresses all of the relevant issues outlined in the department's notification form. (If necessary, provide a standard notification form for the private foster carer or parent to use)
- Provide all relevant individuals with copies of department and DOH leaflets and guidance notes relating to private fostering.
- Meet with the parent(s), others with parental responsibility, the private foster carer(s), the child, if appropriate, and or other persons concerned, to:
 - a) Explain Bracknell Forest Council's Policy and Procedure and Private Fostering Regulations and Standards (Provide them with copies of relevant department leaflets if these have not been previously provided)
 - b) Outline the services the department provides to assess, support and advise parents and carers and outline the local authority powers and duties to make prohibitions, impose requirements or otherwise exercise any of their functions under the Children Act 1989 in respect of the child.
 - c) Undertake a single assessment of the child's needs and consider whether they require any additional services as a Child in Need. (Child will need to be seen to complete this process)
 - d) Discuss and explore whether any support or referral to another agency would diminish the need for the child to be privately fostered.
 - e) School should be contacted to verify that they are aware of the arrangement.
 - f) Verify that the anticipated start date and the intended duration of the private fostering arrangement has been understood and agreed between the parent of the child (or other person with parental responsibility for him)
 - g) Ensure that arrangements for contact between the child and his parent(s) (or other person(s) with parental responsibility for him) and other persons who are significant

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to him (e.g. siblings, other family members, close friends) have been agreed and understood, and that those arrangements will be satisfactory for the child and consistent with his welfare

- h) Ensure that the parent(s) (or other persons with parental responsibility for the child) have agreed with the proposed private foster carer satisfactory financial arrangements for the care and maintenance of the child
- i) Ensure that appropriate arrangements have been agreed for the child to have any access to any necessary medical and dental care and treatment whilst they are privately fostered (Obtain details of specific schools and GP practice)
- j) Check what arrangements have been made to ensure that the child has access to appropriate education
- k) Clarify what arrangements have been made to ensure that the child's needs arising from his religious persuasion, racial origin, and cultural and linguistic background will be met.
- l) Clarify how parental responsibility for the child will be exercised, including what will be delegated to the private foster carer in terms of providing the day to day care of the child
- m) Advise the parents and carer(s) about the value of a drafting some form of written agreement in relation to the above.
- n) Arrange for all adults members of the household (including young people age 16+) to complete the consent to checks/ declaration form (see family placement for copies of form)
- o) Check whether the proposed private foster carer, the parent(s) (or other person with parental responsibility for the child), or any person concerned with the child is in need of any necessary advice and make appropriate arrangements for this to be provided.
- p) Make the proposed private carer(s), and the parents aware of the need to notify Bracknell Forest Council of any changes in their circumstances e.g. convictions, changes in composition of household, moving house, serious illness, death.
- q) Discuss and agree, possible arrangements to meet the child in advance of the placement to ascertain his/her wishes and feeling about the proposed arrangement (where this is appropriate taking into account the child's age and understanding) and to otherwise complete an single assessment of their needs.
- r) Reach agreements in principle¹ with parties about when the child will be placed taking account of the need for assessment processes to be completed in advance of placement
- s) Ensure that the parent(s), private foster carers and others, understand the need to notify the local authority within 48 hours of the child's placement.
- t) Provide the family placement team manager with written confirmation of the private fostering arrangement ASAP so that arrangements can be made for a family placement team social worker to be allocated.

¹ Subject to satisfactory outcome/ completion of assessments

12.2 Initial Contacts by Family Placement Social Workers

On receipt of a referral from the fieldwork team, the family placement team manager should make arrangements for a family placement social worker to be allocated to complete relevant assessments.

On being allocated this matter, the family placement social worker should:

- Meet with the field social worker who made initial contacts with the private foster carer, parents and others to discuss the proposed arrangement and to obtain a copy of the written report(s) that have been made by the field social worker.
- Arrange for checks to be made as to whether the foster carer or other member of the household is or have been known to the department or other relevant agencies, including OFSTED
- Make a provisional booking with the fostering panel administrator for the matter to be considered by fostering panel prior to the child's placement
- Meet the prospective private foster carer(s) to:
 - a) Ensure that the private foster carer has satisfactory understanding of the statutory requirements and department policy and procedure relating to private fostering and that they have received departmental information leaflets
 - b) Agree arrangements for completing the assessments of
 - i) The suitability of the privately foster to care for the specific child
 - ii) The suitability of other members of the household
 - iii) The suitability of the accommodation.
 - c) Provide the private foster carer with any advice, guidance or support that they may need

Note: See later section for fuller guidance on the assessment of suitability of carers and accommodation.

13 Evaluation of The Suitability of Private Foster Carer and Other Members Of Their Household

13.1 Assessment

The responsibility for assessing the suitability of the overall private foster placement and presenting their findings to fostering panel is jointly held by staff in the fieldwork and family placement teams. (See earlier section on Staff Accountability for further details)

On receipt of notification of an actual or a proposed future private fostering arrangement, the responsibility for assessing the suitability of the private fostering arrangement should be allocated to a social worker with the family placement service. The allocated family placement social worker should liaise closely with the allocated social worker in the fieldwork team who has responsibility for supervising the child's placement.

The family placement social worker should work to compile a report, which takes into account the views and information provided by the allocated social worker within the field work team and which addresses the following:

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- Confirmation of the child's age, sex, background history, nationality and immigration status
- The purpose and intended duration of the fostering arrangements including details of when the placement is due to commence
- Whether any other support or referral to another agency could diminish the need for the child to be privately fostered.
- Confirmation of what arrangements that have been made to introduce the child to the private foster carers and to ensure that the carers have full information about the child's needs, background and circumstances.
- The child's physical, intellectual, emotional, social and behavioural development, and details of any disability or other special needs
- Whether the children's needs arising from his/her religious persuasion, racial origin, cultural, linguistic background, are being met or are likely to be met by the private fostering arrangements
- The ascertainable wishes and feelings of the child regarding the fostering arrangements and the child's understanding of their circumstances
- The financial arrangements for the care and maintenance of the child
- The arrangements for the child's medical and dental care and treatment and in particular, that the child is included on the list of a general medical practitioner, and that the foster carer is aware of the child's medical history.
- The arrangements for the child's education, whether the education department has been notified of the child's placement and the extent to which the private foster carers is able to promote the child's educational attainment.
- The standard of care that the child is being given or is likely to be given including a description of the capacity of the private foster carers to meet the specific child's priority needs
- The suitability of the foster carer to look after the child including confirmation of the outcome of any relevant checks and declarations – details of the private foster carer's lifestyle, health, employment and leisure interests
- The suitability of other members of the foster carer household including the extent to which they make demands on the private foster carer and consideration of any other regular visitors to the household.
- The extent to which any household members or other individuals will be involved in caring for any children in placement along with details of any other support that the private foster carer may have.
- The extent to which the private foster carers understand and apply safer care childcare practices, explanation of how they will deal with discipline or otherwise manage difficult behaviour.
- Confirmation that parents, private foster carers, and others concerned have been provided with departmental leaflets on private fostering and that they know how to respond in the event of concerns or complaint.

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- Whether the foster carer is being given or is in need of advice, support or guidance or whether any additional services are being provided or are required to promote the child's welfare
- The needs of other children in the household and what impact, if any, the private fostering placement is likely to have on their welfare together with information as to their views about the proposed arrangement
- Whether the contact between the child and his parents, or any other person with whom contact is arranged is likely to be satisfactory and the extent to which the private foster carer will encourage or otherwise facilitate contact
- Whether and how the child's parents, or any other person are exercising, or intend to exercise parental responsibility for the child, the extent to which parental responsibility has been delegated to the private foster carers, confirmation of how communication between private foster carers, parents, and relevant social workers will be maintained.
- The suitability of the Premises and the wider environment in which the Private Fostering will take place
- Confirmation of whether formal notice of the arrangement was given in accordance with the requirements of the regulations together with information about whether an offence may have been committed and an outline of what action the department has taken or intends to take in response to any such offence
- Confirmation of how often the child, private foster carer and parents have been seen to date and plans for future visits and meetings
- Their conclusion as to the suitability of any proposed or actual arrangement – including a summary statement as to the extent to which the child's needs will be met and their welfare promoted and assessment of whether the child is "in need" of any additional support services under Section 17 of the Children Act 1989
- Recommendations for any further action required including recommendation as to the disqualification or prohibition of the arrangement and the imposition of any specific requirements

13.2 References

Written references should be taken up from at least 3 referees. Two of the referees should be subject to follow up interviews.

Where prospective private foster carers have previously worked or are working in a childcare related field, checks should be made with the employer as to the applicant's suitability.

Medical references should be sought using the medical reference format that is used when vetting prospective foster carers.

Copies of these references should be appended to the reports that are submitted to the fostering panel.

13.3 Agency Checks

Checks should be made as follows:

- Children's Services Client Index for each relevant local authority (where foster carer resides, or have previously resided and where the child currently resides or has previously resided)

- Police checks where a child has been placed in an emergency or where it is anticipated that a child may be placed prior to the completion of DBS checks
- Enhanced level DBS checks
- Probation Service if relevant
- OFSTED
- Education references should be taken up with schools if private foster carer has school age children. (School should also be contacted as part of the single assessment)

14 Pupils who remain in boarding schools for more than two weeks during the school holidays

Section 8 of the Children's Act 1989 and The Children (Private Arrangements for Fostering) Regulations 2005 define any arrangements where a pupil remains cared for within a boarding school for longer than two weeks during the holidays as a Private Fostering arrangement. The boarding school is required to notify the local authority, two weeks before the start of such an arrangement, of the number of children to whom this may apply. The local authority is required to assess and monitor these arrangements. However there is opportunity for the school to be 'exempt' from the requirement to notify the LA of any such arrangement.

14.1 Exemptions

Exemptions for a school to notify the Authority can be granted by the Local Authority for a specific period or indefinitely. This exemption can be withdrawn if required.

The exemption would be based on: the school's report on the arrangements that are made for the care of these children; including how information is provided to the children and young people about raising any safeguarding issue with an external agency; and any information provided by the LADO regarding any safeguarding issue at the school.

14.2 Process for obtaining an exemption to notify.

The school will provide the local authority with a general description of the arrangements made for children who remain in school over the holidays. This should include:

- the average number of such arrangements over the course of a year;
- the practical arrangements regarding the care of children and young people;
- staffing ratios
- specific information regarding how the school ensures that children and young people have access to external agencies if there are any safeguarding issues (e.g. distribution of safeguarding cue cards to pupils
- process for Local Authority checks with the Local Authority Designated Officer (LADO) regarding any safeguarding issues within the school.
- any other pertinent information.

In line with scrutiny arrangements described below, (see Section 16) an assessment of the school's capacity to care for children during the school holiday will be presented to the Foster Panel which will consider all applications for exemption and make recommendations to the Head of Service, Looked After Children (LAC). The final decision on whether an exemption should be made will be made by the Head of Service LAC.

15 Evaluation Of The Suitability Of Premises Where A Child Is Placed Under Private Fostering Arrangements

A foster carer household health and safety check form should be completed and recommendations made to the private foster carer as required under general fostering procedures.

16 Presentation to Fostering Panel

All private fostering placements should be referred to the department's fostering panel as soon as possible. In circumstances where advance notice of the placement has been given, the matter should normally be considered by panel prior to the child being placed.

Private Foster Carers are not "approved" by the department nor formally registered in any way. The panel's role is to provide a level of independent scrutiny and to make recommendations to the department as to the suitability of the arrangements in promoting and safeguarding the child's welfare.

17 Fostering Panel Procedure

The following reports should be forwarded to the fostering panel administrator at least 10 days before the panel to facilitate prior to distribution to panel members:

Reports from the allocated family placement social worker including:

- Part 1 of Form F including references
- Report which addresses matters outlined at above section

Report from child's social worker which provides:

- Basic information on child including frequency of visits, observations on the child's progress and the extent to which the child's needs are met or are likely to be met and their welfare promoted.
- Single Assessment report which may be updated if a transfer to other teams takes place.

The allocated fieldwork team social worker and the family placement team social worker should both attend the fostering panel to jointly present their assessment.

The private foster carer(s) and the child's parent(s) should also be invited to attend.

18 After Panel

If the private foster carer and/ or parents did not attend panel, the relevant social worker should notify them verbally of the outcome of the panel as soon as possible after the panel meeting.

The panel's recommendation/observations should be forwarded to the designated person with ultimate responsibility for decision-making in relation to fostering matters to enable her/him to take into account the panel's views when reaching a decision about the suitability of the private arrangement.

The allocated family placement social worker should ensure that a letter is sent to the Child's Parents as soon as possible following the panel meeting to inform them of the department's

decision/views and the reasons for any decisions made. A copy of this letter should also be forwarded to the private foster carers and other persons with parental responsibility. (This letter will normally be signed by the agency decision maker)

Family placement social worker should record Carers on the department's ICS system, 'Framework i

19 Supervision of The Child's Placement With A Private Foster Carer

The responsibility for supervising the child's placement should be allocated to a social worker within the relevant fieldwork team as soon as possible after the department is notified of the intention to place a child with private foster carers or the department is otherwise informed about an existing placement.

19.1 Action after receipt of notification

Action to be taken after receiving notification that a child has been placed with private foster carers who have previously given advance notification of their intention to privately foster a child and the suitability of the arrangement has been satisfactory during the subsequent assessment:

- Visit the child and the private foster carer as soon as possible within one week to:
 - a) See the child alone where appropriate, to:
 - i) Re-ascertain their wishes and feelings as to the placement
 - ii) Provide the child with relevant departmental leaflets on private fostering –which include confirmation of their rights and the contact details of their allocated social worker if this was not done during the period of notification and prior to placement
 - iii) Address any matters highlighted during the period of assessment following notification.

(See later section for guidance on the conduct of visits and required visiting frequency)

- The allocated social worker should inform the following agencies and individuals of the child's placement with private foster carers:
 - a) Head teacher of child's school,
 - b) The relevant local GP, Health visitor and School Nurse
 - c) Children's Services Department in the area where parents live and the child previously lived of the child's placement in the Bracknell area under Private Fostering Regulations.
 - d) Notify the family placement team manager (or the allocated family placement team social worker) that the child has been placed
- Ensure the child's details and date of placement are recorded on the department's ICS system, 'Framework i'

19.2 Action to be taken after child is placed

Action to be taken after receiving information that a child has been placed with private foster carers who have not given the statutory notice² of their intention to privately foster a child

- Visit the foster placement as soon as possible within one week at latest to:
 - a) Ascertain the child's wishes and feelings as to the placement
 - b) Provide the child with relevant departmental leaflets on private fostering –which include confirmation of their rights and the contact details of their allocated social worker
 - c) Conduct an single assessment of the child's needs
 - d) Evaluate the extent to which the placement is likely to meet their needs
 - e) Meet the private foster carer to discuss, agree and otherwise action the various matters listed in appendix 3 – including obtaining copies of notification, declaration and consent form

(See later section for guidance on the conduct of visits and required visiting frequency)

- Meet with parent(s) ASAP to discuss, agree and otherwise action the various matters listed appendix 3
- During initial contacts and visits, ascertain whether the placement has recently been made on an emergency basis and whether formal notice has been provided of this emergency placement within regulatory timescales³ or whether there may have been a breach of the notification requirements and an offence committed (see later section for guidance on steps to take if there has been a breach of the Regulations)
- Notify the family placement team manager in writing ASAP of the child's placement with private foster carers and the need for a family placement team social worker to be allocated to conduct an assessment of suitability
- Complete Police and Agency checks on all members of the private foster carers household who are over age 16.
- Notify the following agencies and individuals of the child's placement with private foster carers:
 - a) The head teacher of child's school,
 - b) The relevant local GP and Health visitor
 - c) Children's Services Department in the area where parents live and the child previously lived of the child's placement in the Bracknell area under Private Fostering Regulations –if the child lived out of area prior to placement.
- Ensure the child's details and date of placement are recorded on FWI
- Liaise with the allocated family placement social worker to agree/ coordinate the process of conducting the joint assessment of the suitability of the placement and agree dates for presentation to panel.

² Minimum of 6 weeks notice in advance of the placement

³ Regulations require written notice to be given with 48 hours of the making of an emergency placement

19.3 Conduct and Frequency Of Supervisory Visits

The allocated social worker should undertake supervisory visits, at least, as frequently, as follows:

- In the first year of the fostering arrangement, within one week from its beginning and then at intervals of not more than six weeks
- In any second or subsequent year, at intervals of not more than three months.

This is the minimum frequency allowed under Regulations. In the event of concerns, or the need for additional support, the allocated social worker should visit at more frequent interval. Visits should not be neglected because a placement is going well.

Some visits should take place when all family members are at home and, if appropriate, some visits should be unannounced. A written report should be made of each visit. This written report should address the range of factors outlined in Section 5 of the National Standards and listed at appendix 4.

19.3.1 Seeing the Child Alone

The child should be seen alone at each visit to the private foster home. (A visit will not count as a formal supervisory visit if the child is not seen) If desired, the child should be seen outside the private foster home.

18.4.5 The first time a child is seen an assessment should be made to see if he is in need as defined under Part III of the Children Act 1989 and the provision of any services facilitated. The single assessment may be appropriate for this task. This will enable baseline information about the child to be obtained against which judgments about his needs and progress in the private foster home can be made. If appropriate and practicable a child should be seen before a proposed private fostering arrangement begins.

During visits, the field social worker should continue to monitor and evaluate:

- The anticipated duration of the placement and whether any changes have been made or are likely to be made to plans that were originally agreed about the duration of the placement and what implications, if any, such changes may have for the specific child
- Whether the provision of any support or referral to another agency would diminish the need for the child to be privately fostered
- The suitability of the accommodation (The child's bedroom should be seen on some visits, especially if there has been any change in the arrangements)
- The suitability of the private foster carers and other members of the household
- Whether there have been any significant changes to the household composition (if so, further DBS checks may be needed)
- The quality of the overall standard of care and the extent to which the child's needs are being met and their welfare promoted by the specific arrangement
- That the agreed arrangements for contact between the child and his parent(s) (or other person(s) with parental responsibility for him), and other persons who are significant to him (e.g. siblings, other family members, close friends), are still agreed and are working, and, if not, whether it would be appropriate for the local authority to intervene

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- That the financial arrangements for the care and maintenance of the child are still agreed and are operating, and, if not, whether it would be appropriate for the local authority to intervene
- That arrangements for the child's medical and dental care and treatment have been made and that the child is included on the list of a General Practitioner
- That arrangements for the child's education have been made and that this is being satisfactorily provided
- That the child's physical, intellectual, emotional, social and behavioural development is appropriate and satisfactory
- That the child's needs arising from his religious persuasion, racial origin, and cultural and linguistic background are being met
- Whether the child's parent(s) (or any other person with parental responsibility) continue to exercise parental responsibility for the child
- Whether the private foster carer, the parent(s) (or any other person with parental responsibility for the child), or other person concerned with the child is being given any necessary advice; and
- Whether any requirements are being met and whether they need to be varied or cancelled or whether any new requirements need to be imposed.
- Whether the private foster carers are in need of any further support, guidance and advice.

The allocated social worker should make contact with the child's parents and others concerned from an early stage and maintain regular, periodic contact with them for the purpose of monitoring progress as listed above and to otherwise ensure that:

- They understand their continuing, primary, role in ensuring that their child's welfare is promoted and that they remain sufficiently involved to be able to fully exercise their parental responsibilities
- There is good communication about progress, developments and future plans.
- Parents and others concerned are provided with any ongoing advice and guidance that they may need to ensure that the child's welfare is promoted

19.4 Refusal to Allow Visits

It is an offence for a private foster carer to refuse to allow a child to be visited or to obstruct an authorised officer, who has reasonable cause to believe that a privately fostered child is being accommodated or is proposed to be accommodated within the authority's area, from any exercise of any duty towards the child. An officer encountering any difficulties should discuss the problem with senior staff and legal advisors. In such cases, an application for a search warrant under Section 102 of the Children Act 1989 may be necessary to support the power of entry.

20 Financial Support

The primary responsibility for the financial support of the placement rests with the child's parents. Financial arrangements are largely a private matter between the private foster carers and the child's parents. As mentioned elsewhere, the social worker should check at

the start of the placement and at subsequent intervals, that proper financial arrangements are agreed and that they are operating satisfactorily.

Private foster carers can receive child benefit but any maintenance payments received will be taken into account in any assessment for means tested benefits.

In some exceptional circumstances, the department may exercise its discretion to provide a level of funding for a short, time limited period from Section 17 funds where this is necessary to promote the child's welfare.

In the event that a level of ongoing financial support is needed the department will give consideration as to whether the child needs to become looked after rather than placed under Private Fostering Regulations. (See departmental policy and procedure on Looking After Children and Residence Order Policy for further guidance)

21 After Care Support

Children and young people who have been privately fostered qualify to receive advice and assistance from the department's After Care Service. Arrangements should be made to ensure that a pathway plan is put in place following the young person's 15th birthday.

22 Review Of Private Fostering Placements And The Suitability Of Arrangements

Private Fostering Cases should be reviewed in accordance with departmental guidance on the reviewing of Children In Need cases. (Chaired by Team Manager or Assistant Team Manager) Every effort should be made to ensure that parents and private foster carers are fully involved in this review process and that parents are otherwise kept informed as to the department's evaluation of arrangements.

The suitability of the carers and of the arrangement should also be kept under review by fieldwork staff involved in conducting supervisory visits to privately fostered children and the appropriateness of any arrangements should be considered as a matter of course in the process of reviewing privately fostered children's cases.

If a placement continues, the field social worker should ensure that all DBS forms are renewed every 3 years.

23 Child Protection Matters, Standards of Care Issues and Child Welfare Concerns

23.1 Responsibility of Parents And Social Worker

Parents have the primary responsibility for the welfare of children in private foster placements. The social worker with case responsibility for the child should ensure that parents are kept fully informed of any concerns that may arise.

23.2 Child Protection Matters

Where any concerns of a child protection nature arise, they should be investigated under departmental child protection procedures. (See section on prohibitions, disqualification and the imposition of requirements in the event of concerns being substantiated). Where concerns of a child protection nature arise, and the child is unable to return to parental care,

consideration should be given to accommodating the child or taking legal action with a view to looking after the child.

23.3 Standards of Care Issues

Where lesser concerns arise relating to the standard of care provided, fieldwork staff should consider re-referring the matter back to the family placement team for:

- The provision of additional support services including the provision of training.
- The family placement team to conduct a re-evaluation of the carer's suitability.

If concerns remain following re-evaluation of a carer's suitability or the suitability of the arrangements a formal meeting should be held with the private foster carers (and the parents and other interested individuals) to discuss any concerns that have arisen. This meeting will normally be chaired by the family placement team manager and follow a similar format to departmental foster carer annual review meetings.

At the conclusion of this meeting, the family placement team manager should consider whether it is necessary to refer the matter back to the fostering panel for further consideration.

23.4 Child Welfare Concerns

In some cases, the care being provided by the private foster carers may be deemed to be satisfactory but concerns may arise that relate to the wider context for example in relation to the quality of parental contact or lack of contact etc. In these instances, the matter should be dealt with in accordance with wider departmental, child protection or family support procedures. For example, if contact stops or reduces to a very low level, formal consideration should be given to whether the child has been abandoned and to what further action may be needed to address this issue. Similar concerns could arise in relation to longer term care planning if concerns arose in relation to the quality of contact. Consideration of such matters should normally take place in a formally constituted review meeting under relevant departmental procedures.

24 Procedure for Imposing Requirements, Prohibitions and Disqualifications

24.1 Imposition of Requirements

The regulations permit the department to impose certain requirements – for example limits on the number of children in placement or in relation to the standards of the accommodation or particular arrangements in relation to the care that must be carried out.

Any decision to impose certain requirements will usually be taken by the Head of Service with overall responsibility for the fostering service following consideration by the fostering panel.

24.2 Prohibitions

The regulations also allow the department to prohibit individuals from acting as private foster carers, for example, if they are deemed to be unsuitable, the accommodation is unsuitable or the arrangement is contrary to the child's welfare.

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Any decision to impose a prohibition of this kind will usually be taken by the Head of Service with overall responsibility for the fostering service following consideration by the fostering panel

In the event of serious child protection concerns, the department may exercise its discretion to prohibit a private fostering arrangement with immediate effect for a temporary period in advance of the matter being considered by the fostering panel. In such circumstances, the matter will usually be referred to the fostering panel for further consideration at the earliest opportunity.

Any decision to prohibit a private fostering will usually be taken by the Head of Service with overall responsibility for the fostering service in conjunction with the Chief Officer for Children's Services and following consultations with departmental legal advisors.

24.3 Disqualification

There are a number of specific circumstances where an individual may be disqualified from acting as a private foster carer, for example.

- Where an individual has been convicted of specified offences
- Where an individual is the parent of a child who has been made subject of a care or supervision order

Any decision to disqualify an individual will usually be taken by the Head of Service with overall responsibility for the fostering service in conjunction with the Chief Officer for Children's Services and following consultations with departmental legal advisors.

Local authorities can, in certain circumstances, give their consent to a person acting as a private foster carer who would otherwise be disqualified, but only if they are satisfied that the child's welfare would not be prejudiced by the proposed, or actual, private foster carer or by a member of their household.

In such circumstances, the private foster carer should be provided with written consent to privately foster the specific child in question.

Section 68 of the Children Act 1989 deals with disqualification from being a private foster carer. The Regulations made under Section 68 are the Disqualification From Caring for Children (England) Regulations 2004.

(See **Appendix 3** for guidance and information on offences and circumstances which may lead to a decision to disqualify an individual from acting as a private foster carer)

25 Representations

Private Foster Carers may appeal about any decision to impose requirements or prohibitions or disqualify them by making representations in writing to the Head of Service within 28 days of receiving written notification of a decision.

In most instances, the Head of Service will refer the matter to the fostering panel for consideration prior to making a final decision. Department legal advisors should also be consulted prior to making a formal decision to disqualify an individual from privately fostering a child.

Where the local authority decides to refuse consent to allow a disqualified person to privately foster a child an appeal may be made to the family proceedings court within 14 days of notification of that decision. (See appendix 6 for guidance in respect of Appeals to the

Family Proceedings court. See also Schedule 8, paragraph 8, of the regulations which covers appeals against a local authority decision to refuse consent to allow a person who is disqualified to privately foster a child.)

26 Relevant Offences and Action Required

26.1 Relevant Offences

Section 70 of the Children Act 1989 covers offences in relation to private fostering:

- It is an offence to care for a child whilst:
 - a) Disqualified from private fostering without the consent of the local authority,
 - b) Whilst living in the same household as someone who is himself disqualified from private fostering or at which any such person is employed or whilst prohibited. (A person found guilty on summary conviction of such offences would be liable to a term of imprisonment of not more than 51 weeks (or not more than 6 months in the case of an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003) or to a fine or both (For all other offences the penalty would be a fine).)
- It is an offence to fail to give the notice required under Regulations 4-6 of the Children (Private Arrangements for Fostering) Regulations 2005. (See Part 1.3: Notifications) without reasonable excuse, within the time specified; or to provide any information required, without reasonable excuse, within a reasonable time.
- It is an offence to make, or cause or procure another person to make, a statement in the notice or information, which is known to be false or misleading in a material particular.
- It is an offence to fail, without reasonable excuse, to comply with any requirement imposed by a local authority.
- It is an offence to refuse to allow a privately fostered child to be visited by an authorised officer of a local authority; and to obstruct such an officer in inspecting premises in which a child is privately fostered or in which it is proposed to privately foster a child, and from seeing the child there.
- It is an offence to publish an advertisement offering to undertake or arrange for a child to be privately fostered unless it states the person's name and address.
- It is an offence for a private foster carer to refuse to allow a child to be visited or to obstruct an authorised officer (see earlier section for further details)

26.2 Action to Be Taken By Staff When An Offence Appears To Have Been Committed.

26.2.1 Breach of notification requirements

The regulations may be breached in a number of different ways, two key areas where a breach may occur are:

- Failure to notify the local authority of an intention to place a child with a private foster carer within prescribed timescales
- Failure to notify the local authority that a child has been placed with private foster carers within prescribed timescales.

Any staff dealing with a case involving late or failed notification will need to ascertain the wider circumstances leading to the breach of the regulations. E.g. was the failure to notify due to a lack of understanding of the requirements of the regulations or a flagrant breach of the notification requirements. In most instances, the department will focus its activity on promoting the child's welfare, supporting the parent and carers and ensuring there is no further breach of the regulations in future rather than initiating legal action against parties. The question of how to proceed in these circumstances should be referred to the relevant line manager for a formal decision to be made. (Late notifications should also be recorded on FWI)

26.3 Legal Guidance

The department's legal advisors have developed procedures, which set out how the department will respond when an offence has been committed and the department has decided to take legal action. (Staff and managers should note that criminal proceedings require evidence that will allow a court to come to a verdict using the test of "beyond reasonable doubt" rather than the lower standard of evidence (balance of probability) that is required in family proceedings.) This being the case, staff and their managers should consult with department legal advisors at the earliest opportunity whenever information comes to light, which suggests that there may have been a breach of the requirements of the regulations and before arriving at any conclusion to prosecute the alleged offender.

27 Private Foster Carers Already Known to the Department

Where there is intent to start private fostering after a break or where an additional child is to be placed, a re-assessment must be made using the process set out above. This re-assessment process should take account of any variation in circumstance and the specific needs of the child to be placed, amongst other factors.

28 Monitoring Compliance with the Regulations and Standards

The Children (Private Arrangements for Fostering) Regulations 2005 require local authorities to monitor the way in which they discharge their functions under Part 9 of the Children Act, and require them to appoint an officer for that purpose. In Bracknell Forest the relevant officer is the Head of Service, Looked After Children.

This quality assurance process should monitor and evaluate the following area of practice:

- Action taken to raise public awareness
- How the department responds to notifications received
- Whether proper checks, and visits, are carried out within required timescales
- How disqualifications and prohibitions are handled and the process by which the department imposes requirements and monitors adherence to these requirements
- What other action, if any, is taken to ensure that the welfare of a privately fostered child is being, or would be, satisfactorily safeguarded or promoted (e.g. child protection measures)
- How appeals are handled

- How the department responds to late or failed notifications
- Arrangements for determining the suitability of all aspects of a private fostering arrangement – including the accommodation and the wider environment in which privately fostered children are placed
- The extent to which privately fostered children are visited and seen alone and the recording of such visits.
- Arrangements for providing advice to all concerned and interested parties
- Extent of cooperation with other agencies

28.1 Annual Reporting

The outcomes of the monitoring process should be reported annually to:

- To the Chief Officer, Children's Social Care.
- To the Local Safeguarding Children Board This report should also address how different agencies work together in relation to private fostering matters.

29 General Practice Guidance

29.1 The Child's Introduction To The Private Fostering Arrangement

Private foster carers will need information about the child, the child's needs and history, medical background, educational attainment and the child's understanding of the reasons for and duration of the placement so that they fully understand the task that they intend to take on. Information on routines, capabilities, interests, habits, fears, likes and dislikes, needs and, where appropriate, sufficient information about the implications of a child's disability or learning difficulty, are essential if the private foster carer is to offer good quality continuity of care and help the child settle into his new home. At the same time the child should be told as much about the prospective private foster carers as he is able to understand – e.g. interests of other children and location of the private foster home.

The way the introduction to his new home is organised is important for the child's sense of security and acceptance of the change. A process of introduction helps to minimise the pain of separation. Private foster carers need to be prepared for the possibility of disturbed behaviour following such a significant change for a child. This is usually the responsibility of the parents, those with Parental Responsibility and the private foster carers.

29.2 Planned Endings

The private foster carer will need a clear written agreement with the child's parents on the expected duration of an arrangement. The duration of the arrangement should be reviewed with the private foster carer on every visit so that any change can be anticipated to enable parent, child and other carers to be involved and consulted, thus helping to avoid unplanned moves or drift. If plans change, the reasons given for the change and the nature of the revised arrangements should be clearly understood by all parties, including the child, along with appropriate timescales for implementing the changes. All significant changes should be notified to the local authority.

Advice to private foster carers and parents should include the importance of planned endings to arrangements and preparation of the child for the change. This is particularly important where the child is to move to a new private foster carer.

29.3 Continuity and Change

Private foster carers and the child's parents should be aware of the importance of continuity of health care and education and, indeed, all aspects of the child's life, and share all relevant information. A child who is geographically mobile should not miss out on diagnosis and treatment that would satisfactorily safeguard and promote his welfare.

As much continuity as possible should be maintained, e.g. continuity at the same school and remaining with the same GP. Also, private foster carers should be encouraged to maintain a photograph album for the child and a diary of significant events which the child can keep when he moves on.

A child's return to his family may also need careful preparation by both the private foster carer and the child's parent, depending on the length of time the child has been away and the extent of changes within the family. The need for continuity is equally critical at the end of the placement as at the beginning. Children often return to different addresses, an unfamiliar culture and new family members. The former private foster carer should be advised to pass on information to the parent on the habits, food preferences, interests, routines and connections developed by the child. Ideally, parents should be prepared for these changes and the possibility of disturbed behaviour while the child re-establishes himself in his family.

The private foster carer has no authority to arrange another private fostering arrangement other than at the specific request of the parent. If they can no longer keep the child it is for the parent to make alternative arrangements.

29.4 Religion, Culture, Language and Race

The quality and consistency of care a child receives in his formative years is crucial to his physical, intellectual, emotional, social and behavioural development. The practice among some ethnic minority families to place their children in private foster homes of a different race and culture may, in some instances, require local authorities to pay particular attention to ensuring that the private foster child is able to maintain contact with people from his race, culture and religion.

In circumstances where it is known that a child comes from a minority ethnic group or from a particular cultural background, the social worker should seek to establish whether the person proposing to privately foster the child has an understanding of the particular culture and knowledge of the child's language. Social workers should explore the extent to which the prospective private foster carer is prepared to develop such understanding and give advice as appropriate.

Attention may need to be given to the expectations of the private foster child participating in the religious life of the private foster carer and his household, and whether this would be compatible with the expectations of a child and his parents. Account should also be taken of the private foster carer's willingness to provide a child from an ethnic minority group with a diet, which is familiar to him, including food that may be part of a religious observance.

Local authorities are encouraged to see that the private foster carer is advised about the provision of resources and facilities which could assist him meet the racial, cultural, religious

and linguistic needs of the child. This can be done, for example, by involving local religious groups, minority ethnic communities and the voluntary sector.

Local authorities will need to be aware of the practical difficulties which such arrangements can present and be prepared to address them at an early stage to avoid problems for the future. It is important to remember that the local authority has an important role in providing advice on how potential or actual difficulties can be overcome within their overarching duty to ensure that the child's welfare is safeguarded and promoted.

29.5 Health Care and Treatment

Children of certain racial origins or from certain parts of the world may have particular health care needs and full consideration should be given to this aspect of the child's care. If a child is well and active then no special screening may need to be undertaken, over and above routine screening and surveillance offered to all children in the United Kingdom. If, however, the child is unwell, special factors should be taken into account as they may be the key to the child's ill health. For example, children of particular racial origins or from certain parts of the world may be at risk of developing or suffering a range of illness such as malnutrition, sickle cell anaemia, thalassaemia, tuberculosis, hepatitis B and C, certain forms of diabetes, schistosomiasis, HIV/AIDS or tropical diseases such as malaria.

Children of school age are included in health care provided under the School Health Service. Children aged under five who are privately fostered should not miss out on the child health surveillance programme. Health checks are usually offered at age 6 weeks, 8 months (range 7 to 9 months), 21 months (range 18 to 24 months), 39 months (range 36 to 42 months) and in some areas, entry at 5 years into school, (range 48 to 66 months). Private foster carers should make sure that they are informed by the child's parents about the child's health checks, vaccinations etc. (This schedule of surveillance checks is recommended in the report: 'Health for All Children' – Hall 4 Report 2003.)

All private foster carers should have a working knowledge of and skills in, first aid or be encouraged to obtain such knowledge and skills. Local branches of the Red Cross or St John's Ambulance may offer useful sources of advice and training.

29.6 Personal Child Health Record

The Personal Child Health Record (PCHR) should normally be held by the private foster carer i.e. the person who has care of the child. For some disabled children parents will also need to share any necessary information about specific techniques for feeding and personal care. Children with disabilities may have been receiving medical services from specialist units and special arrangements may be necessary to ensure continuity of care and treatment. Local authorities should, therefore, ensure that primary care services are aware of the private fostering arrangement.

29.7 Child's Medical History

The parents of the child to be privately fostered should make known the child's medical history to the prospective private foster carer and the local authority. The parent(s) should be asked to give the private foster carer the Personal Child Health Record for the duration of the arrangement. In addition to basic details of the child – height, weight, etc, details in a child's medical history should include:

- Immunisations given and dates including, where practicable, the results of any neo-natal screening tests

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- History relating to infectious diseases, with dates
- Any episodes of in-patient or out-patient hospital treatment, for any condition with dates, giving details where possible
- Whether the child has, or is known to have, any congenital condition which has, or may have, medical implications and/or which necessitates ongoing health care
- Whether the child is known to have any allergies, including allergies to any medication
- Current short term or long term medication and any other treatments, including the names of the consultants involved in the treatments
- Information on any special dietary requirements or dietary restrictions.

29.7.1 Consent to Medical Examination or Treatment

Consent to medical examination or treatment for which the child himself is not capable of giving may be given by a parent or other person with parental responsibility. Although a person may not transfer or abdicate parental responsibility, they may arrange for some or all of it to be met by one or more persons acting on their behalf (section 2(9) of the Children Act 1989). There is no requirement for such arrangements to be evidenced in writing. However, it is recommended that, at the commencement of the arrangement, the parent or other person with parental responsibility records in writing their agreement for the private foster carer to give consent on behalf of the child to everyday treatment which may become necessary. It may be appropriate for the local authority and the primary care trust or the child's general medical practitioner to have copies of this document.

Children of sixteen and over give their own consent to medical treatment (see Seeking Consent: working with children, Department of Health, 2001). Children under sixteen may also be able to give or refuse consent depending on their capacity to understand the nature of the treatment; it is for the doctor or other person providing treatment to decide this.

29.8 Education

Where possible and appropriate, children should remain at the same school. However, if a school change is required, care must be taken to ensure that the school is appropriate in terms of the child's educational needs, race, culture, gender and disability.

Local authorities are obliged to satisfy themselves about arrangements for the child's education and that the local education authority has been informed of the private fostering arrangement.

Local authorities should explore the private foster carer's or prospective private foster carer's attitudes and expectations in relation to a child's education. The objective should be to establish a view as to this person's:

- Understanding and recognition of the need to provide educational support to a privately fostered child, including a commitment to ensure the child's regular attendance at school
- Ability to cope with the additional parenting tasks of providing support to a child with special educational needs (where appropriate).

29.9 Standard of Care

Expectations regarding the physical care of the child should be established from the first contact between the parent and private foster carer and are best achieved through co-

operation, encouragement, availability of advice and mediation, all of which focus on achieving the best interests of the child, and safeguarding and promoting their welfare.

29.10 Contact with the Child's Family

Where the private fostering arrangement will not be, or is not, within easy reach of the child's family, the local authority should explore whether clear arrangements have been made to facilitate contact. Contact with members of the child's extended family who are living in the UK should also be encouraged. Where the proposed or actual private foster carer is from a different racial or cultural group to that of the child, the local authority should ensure that the carer will enable links to be maintained with the child's racial, cultural and religious heritage.

The private foster carer's, or prospective private foster carer's, attitude and expectations should be explored concerning his promoting contact between the child's parent, or other person with parental responsibility, and any other significant person in the child's earlier life, and his willingness to facilitate visits by parents and relatives to the private foster home for the duration of the placement. It is essential that the person privately fostering, or proposing to privately foster, a child is aware of the implications of caring for other people's children and of the need to work in partnership with the child's parents. Parents and private foster carers may need advice on the importance of continuing links for the child's emotional well-being. The social worker should ensure that adequate arrangements are made for relationships between siblings to develop.

Arrangements for contact with the parent need to be agreed between the private foster carer and the parent (or other person with parental responsibility) so that the child retains emotional links to his birth family. Equally, arrangements for contact with siblings, relatives and others should be agreed and organised and the arrangements set down in writing. Arrangements for the private foster carer to contact the parent should also be set down. If the parent and private foster carer are working together then the child is more likely to feel secure. Of course, all contact between the child and others must be satisfactory for the child.

At every visit the local authority should enquire about any changes to the original planned duration of the arrangement and, if appropriate, offer advice and help in resolving any difficulty, even, if necessary, by providing a venue for families to meet. In normal circumstances the costs of contact is a matter between the parent and private foster carer, but financial assistance could be considered under section 17 of the Children Act 1989 if this supports a child in "need" as defined by the Act. The social worker should also enquire about the contact arrangements and how well they are working.

29.11 Parental Responsibility

Parental responsibility is one of the key concepts of the Children Act 1989. Because parents have the legal responsibility for their children they should be encouraged to participate in all decisions made in relation to a private fostering arrangement. It is most important for the well being of the child that the parent provides the prospective private foster carer with as much information about the child as possible, including his health record, diet preferences, school records, hobbies, religion, ethnicity and so on.

The Children Act 1989 defines 'parental responsibility' to include all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property (section 3(1)).

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A person, such as a private foster carer, who has day to day care of a child for whom he does not have parental responsibility is empowered to do what is reasonable in all the circumstances of the case to safeguard and promote the welfare of the child [section 3(5)]. A person with parental responsibility may arrange [under section 2(9)] for a private foster carer to meet that responsibility by acting on his behalf, for example, by delegating responsibility for consent to medical examination or treatment. Such an arrangement may prove useful in situations where the parent of the child is unable to exercise his responsibilities. However, [under section 2(11)] such an arrangement does not affect any liability of the person with parental responsibility which may follow from a failure to meet that responsibility.

Whilst the day to day care of the child can be delegated to the private foster carer, parental responsibility is retained by the parent. How they exercise this is a matter for agreement with the private foster carer at the start of the arrangement. However, parents should be encouraged to remain as closely involved as possible in their child's life. Any drift could leave the position of the child uncertain as to which family they belong in, and allow the arrangements to be regarded as a quasi adoption. The parents should be encouraged to leave photos of themselves and family, and keep the child up to date with happenings in the family either directly and or through the private foster carers. The private foster carer should encourage this as well as contact with any siblings who may also be privately fostered, the natural family and significant people from the past.

If the parents are failing to exercise their responsibilities, e.g. failing to pay maintenance or to keep in touch, the social worker should try to locate the parents and find out if there is a problem, give advice and take appropriate action as necessary.

29.12 Wishes and feelings of the Child

The child's views and feelings about a private fostering arrangement (proposed or actual) should always be sought, subject to the child's age and understanding. The social worker should be clear on how confidences should be handled. The child's views on his becoming, or actually being, a privately fostered child need to be taken into account when an arrangement is being considered. If the child expresses a wish not to be privately fostered, the social worker needs to try to understand whether this is related to the child's anxiety about leaving the birth parent or whether there is a specific reason why they do not wish to be privately fostered by a particular person.

The social worker should be particularly aware that there may be good reasons why the child's views are different from those of his parents, or any other person with parental responsibility for him and, in the case of a child who is privately fostered, the views of the private foster carer. The more mature the child, the more fully he will be able to enter into discussion about plans and proposals, and participate in the decision-making process.

All children need to be given information and explanations so that they are in a position to develop their own views and make choices. Providing children with reassurance and helping them over their anxieties is essential if their welfare is to be safeguarded and promoted.

Where the child has communication difficulties, social workers should ensure that all necessary means are employed to enable the child to express his views, feelings and for them to be considered. Such means could include consulting someone who has the appropriate communication skills, such as sign language, and making use of Makaton or Bliss symbols – a language of signs used by people with severe learning difficulties. With young children their wishes and feelings can often be established indirectly by observation

and through play or, in the case of a very disturbed child, through any therapy which the child may be receiving.

In the case of a child whose first language is not English, an interpreter may be required. The importance to a child of maintaining his first language should be addressed since eventual return to his family or community is made even more difficult if he is unable to use his “own” language.

30 Advice and Support

30.1 For parents

Local authorities may need to give advice and support to parents to enable them to make alternative arrangements for the care of their child where in all the circumstances of the case the local authority considers that it is not appropriate for the child to be privately fostered, and where a private fostering arrangement is prohibited and no other is contemplated. Parents may need to be advised on the desirability to keep siblings together if possible – unless a child has particular needs which have to be met separately. They may need advice on attachment issues, and the implications of a child living away from home with someone else to whom they may become attached if parental involvement is not maintained. They may also need advice on what to do if they are concerned about their child’s care.

In each case the local authority will need to consider whether support or referral to another agency would remove the necessity for the child to be privately fostered and, where feasible and in the child’s best interests, provide that support or make that referral.

30.2 For private foster carers

Local authorities should provide information to private foster carers (prospective and actual) on the support that is available from other agencies, including health services, education, housing services, Connexions, voluntary organisations and community groups. They might in some circumstances need to refer private foster carers on to other agencies.

Advice may cover a range of topics from the advisability of taking out public liability insurance to the potential for racial harassment where a white carer is caring for a black child. Where appropriate, local authorities will need to give advice to private foster carers about needs arising from religious persuasion, racial origin and cultural and linguistic background. They will also, where appropriate, need to give advice which would enhance a private foster carer’s ability to care effectively for a child (including in relation to age, sex and disability), and the opportunity to utilise any training or support services that may be available.

Advice to private foster carers can be given in a number of ways:

- Individually by the social worker, health visitor or other professional
- In a “self-help” group, learning from other private foster carers. This can be particularly useful if it includes some experienced private foster carers with good standards of care who can act as role models to others
- Via “Drop-in” centres, possibly with child minders
- By being linked to local resources, e.g. a toy library, equipment loan scheme, play group or other relevant agencies

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- Training set up specifically for private foster carers or generally for all foster parents, childminders or others.

(See the designated officer within children's services for further details of other forms of advice and support available).

30.2.1 Recording the Child's Development and Progress

It is good practice for the local authority social worker to offer private foster carer advice about the information they should keep and the manner in which they should keep it, to be shared with the parents, and where appropriate, the local authority social services, health and education services. Such advice should cover:

- Maintaining and updating the child's medical history, (with appropriate input from health personnel) and include notes/dates of visits to the GP, health clinic, etc.
- Keeping a file of school reports
- Noting the dates and means of contact with the parents and other significant people in the child's life (visits, letter, phone calls)
- Record of child's out of school activities, such as sport, art, music, drama, Brownies/Cubs, etc.
- Maintaining a financial record of monies received on behalf of the child's upkeep
- Noting the dates and nature of social services contact
- Keeping a photograph album of significant events/people in the child's life.

30.3 For Children

The local authority will need to provide the privately fostered child with information, in formats appropriate to the child's age and level of understanding, including about their privately fostered status and what it means, their right to be safeguarded and the responsibilities of the adults who care for them.

In addition, they should be given the contact details of a named worker who will be visiting them while they are privately fostered. The local authority should ensure that the privately fostered child is given information about advocacy services, if he is a child in need.

Appendix 1 - Social Worker's Checklist

Initial Contact

List of matters to be addressed by fieldwork duty social worker during initial contacts with private foster carers, parents, children and concerned others.

- Check whether the arrangement falls within the scope of the Private Fostering Regulations – see earlier section for a definition
- Check whether formal notice has been forwarded and whether the written notification addresses all of the relevant issues outlined in the department's notification form. (If necessary, provide a standard notification form for the private foster carer or parent to use)
- Provide all relevant individuals with copies of departmental and DfE leaflets and guidance notes relating to private fostering.
- Obtain copies of any outstanding consent forms and declarations in respect of the private foster carers and any other members of their household over age 16
- Meet with the parent(s), others with parental responsibility, the private foster carer(s), and or other persons concerned, to:
 - a) Explain Bracknell Forest Council's Policy and Procedure and Private Fostering Regulations and Standards (Provide all parties with copies of relevant department leaflets)
 - b) Outline the services the department provides to assess, support and advise parents and carers and outline the local authority powers and duties to prohibit, disqualify or impose requirements or otherwise exercise any of their functions under the Children Act 1989 in respect of the child.
 - c) Discuss whether any support or referral to another agency would diminish the need for the child to be privately fostered
 - d) Discuss and agree, arrangements to meet the child (if possible, in advance of the placement) to ascertain his/her wishes and feeling about the proposed arrangement (where this is appropriate taking into account the child's age and understanding) and to otherwise complete an single assessment of their needs
 - e) Undertake an single assessment of the child's needs and consider whether the child's needs could be met by the provision of services rather than their placement with private foster carers
 - f) Verify that the anticipated start date and the intended duration of the private fostering arrangement has been understood and agreed between the parent of the child (or other person with parental responsibility for him)
 - g) Ensure that arrangements for contact between the child and his parent(s) (or other person(s) with parental responsibility for him) and other persons who are significant to him (e.g. siblings, other family members, close friends) have been agreed and understood, and that those arrangements will be satisfactory for the child and consistent with his welfare

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- h) Ensure that the parent(s) (or other persons with parental responsibility for the child) have agreed with the proposed private foster carer satisfactory financial arrangements for the care and maintenance of the child
- i) Ensure that appropriate arrangements have been agreed for the child to have any access to any necessary medical and dental care and treatment whilst they are privately fostered (Obtain details of specific schools and GP practice)
- j) Check what arrangements have been made to ensure that the child has access to appropriate education
- k) Clarify what arrangements have been made to ensure that the child's needs arising from his religious persuasion; racial origin, and cultural and linguistic background will be met.
- l) Clarify how parental responsibility for the child will be exercised, including what will be delegated to the private foster carer in terms of providing the day to day care of the child
- m) Advise the parents and carer(s) about the value of a drafting some form of written agreement in relation to the above.
- n) Arrange for all adults members of the household (including young people age 16+) to have enhanced Disclosure and Barring checks The actual or proposed private foster carer and each member of his/her household aged over 16 should be asked to provide written consent for such a check to be carried out. The worker will need to advise the person concerned that spent convictions will be disclosed. (See family placement for copies of form).As part of the safeguarding checks undertaken in assessing the arrangement, carers must complete the Declaration of Suitability to Privately Foster form (PF3).

[A record of convictions will not necessarily preclude the person from fostering a child privately, but will require careful consideration in consultation with senior staff. The disqualification provisions contained in section 68 of the Children Act 1989 and the Disqualification from Caring for Children (England) Regulations 2004 are relevant in this respect].

- o) Check the Authority's own records to see whether the proposed or actual private foster carer or any member of his/her household is known to social care (and liaise with other local authorities if the proposed private foster carer has only been in the present local authority area for a short-time).
- p) Check whether the proposed private foster carer, the parent(s) (or other person with parental responsibility for the child), or any person concerned with the child is in need of any necessary advice and make appropriate arrangements for this to be provided.
- q) Make the proposed private carer(s), and the parents aware of the need to notify Bracknell Forest Council of any changes in their circumstances e.g. convictions, changes in composition of household, moving house, serious illness, death

If child is not already in placement

- a) Reach agreements in principle⁴ with parties about when the child will be placed taking account of the need for assessment processes to be completed in advance of placement (if child not already placed)
- b) Ensure that the parent(s), private foster cares and others, understand the need to notify the local authority within 48 hours of the child's placement.

⁴ Subject to satisfactory outcome/ completion of assessments

Appendix 2 - Matters to be covered in case recording of visits

- Whether the visit was planned or unannounced.
- Who was present?
- Whether child was seen, if not why not, and whether the child was seen alone
- Current understanding/statement of the child's wishes
- Comment on the child's welfare and progress and whether the child's primary needs are met
- Highlight any matters of concern
- Details of any advice, guidance or support given
- Details on any significant changes to plans/ arrangements or the household composition
- Extent to which the placement is meeting the child needs arising from his religious persuasion, racial origin, and cultural and linguistic background.
- How agreed contact arrangements are working
- How agreed financial arrangements are working
- Comment on the child's health and whether he/she has been/remains registered with a GP
- Comment on the child's educational progress and the arrangements that are in place for his/her education
- Compliance with any specific requirements
- Comment on whether the placement is satisfactory
- Identify whether the child is *in need* of any services under Section 17 of the Children Act 1989
- Any other matter that is relevant in the specific circumstances

Note: This list is not meant to be exhaustive; it simply seeks to provide guidance as to the matters that need to be recorded to comply with the National Standards. Other matters may need to be recorded depending on the prevailing circumstances and the specific case. This is a matter for professional judgment.

Appendix 3 - Disqualifications

Section 68 of the Children Act 1989 disqualifies certain people from being Private Foster Carers. Unless the disqualification has been disclosed and the Local Authority has given their written consent to them becoming a private Foster Carer. However, a person should not foster a child privately if he is disqualified from doing so by Regulations made by the Secretary of State.

The Disqualification from Caring For Children (England) Regulations 2002 lists the grounds for refusal to becoming a private Foster Carer.

The grounds for disqualification under the Regulations are so numerous, it is not possible to set them all out here. The Regulations will need to be consulted in each particular case. Care Managers would be advised to contact the Legal Department for advice on individual cases.

Some Reasons for Disqualification:

- Being the parent of a child who has been the subject of a Care Order under Section 31 of the Children Act 1989 or the parent of a child who had been subject to a Care Order under the legislation that was applicable before the Children Act came into force in 1991.
- People who are refused registration in respect of children's homes or whose registration has been cancelled, or who were in the management or had financial interest in the running of children's homes and whose registration was cancelled.
- People who were prohibited from fostering under legislation passed in the 1950's and 1980's.
- A person who has been refused registration for the provision of day care or child minding or have had their registration cancelled.

Persons who have been convicted of offences against children or vulnerable adults. The list of offences which can be used to identify those who present a risk, or potential risk, to children together with the relevant Home Office Guidance is available at - <http://www.circulars.homeoffice.gov.uk> (circular, no. 16/2005).

Appendix 4 – Private Fostering Appeals to the Family Proceedings Court

A Private Foster Carer may appeal to the Family Proceedings Court against the following:

- Requirements relating to the number, age, or sex of the privately fostered children
- The standard of accommodation or equipment.
- Health & Safety arrangements.
- Particular arrangements in respect of the provision of care for the privately fostered children.
- A refusal by a Local Authority to consent to a disqualified person being approved as a private foster carer under Section 68 of the Children Act 1989.
- Prohibitions upon a private foster carer under Section 69 of the Children Act 1989.
- Refusal to cancel a prohibition.
- A refusal to make an exemption to the limit of the number of privately fostered children a person can care for.
- A condition attached to an exemption.
- A variation or cancellation of an exemption.

When a Local Authority determines any of the above against a private foster carer they must notify the private foster carer by notice in writing. The notice must inform them of the reason for the determination, their right of appeal and the time limit in which the appeal must be lodged.

The appeal must be made within 14 days from the date on which the person is notified of the requirement, refusal, prohibition, condition, variation or cancellation.

Where the appeal is against the requirement, exemption to exceed the fostering limits, variation or cancellation of an exemption it shall not have effect while the appeal is pending.

The Appeal Process

The appeal is made under paragraph 8 of Schedule 8 of the Children Act, to the Family Proceedings Court for the area of the Local Authority imposing the requirements. In the area of Bracknell Forest Borough Council it will need to be lodged with the East Berkshire Magistrates' Court.

The application is issued by use of a Form C1 and a C6 listed in Schedule 1 to the Family Proceedings Court's (Children Act 1989) rules 1991, using the procedure set out in Rule 4 of the rules.

The Application Forms

C1 is an application for an Order. There needs to be a copy for the Court and a copy for the Local Authority.

C6 is a Notice of Proceedings (Hearings) Directions Appointments (Notice to the Parties) one copy for the Court and a copy for the Local Authority.

C7 is an acknowledgement, one for the Court and one for the Local Authority.

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On receipt by the Family Proceedings Court, the Justices Clerk shall fix the date, time and place for the hearing or Directions appointment, allowing sufficient time for the applicant to serve the application upon the Local Authority.

The Justices Clerk shall endorse the date, time and place in the Form C6 and return it to the applicant private Foster Carer for service.

The C1, C6 and C7 must then be served by the private Foster Carer upon the Local Authority.

The Respondent for service is the Local Authority (Children's Services) which imposed the requirement upon the private Foster Carer.

The burden of proof is the civil standard decided on the balance of probability.

The Court has a range of options open to it. It can grant or refuse applications. It can vary, make exemptions, and impose conditions.

The Court's decision is then deemed for the purposes of the Children Act to have been made by the Local Authority.

sb/f/agreements/private fostering appeals to the Family Proceedings Court – 1.7.05

Appendix 5 - Practice Notes on Non-Notification by Private Foster Carers

A person who does not comply with the notification requirements under the Children (Private Arrangements for Fostering) Regulation 2005 commits a criminal offence under Section 70 of the Children Act 1989 as amended by Section 44 of the Children Act 2004.

Local Authorities are required to promote awareness campaigns for private foster carers.

They must have a communication strategy which links in with all key agencies in both the statutory and voluntary sector, and which reaches out to private foster carers, so they are aware of the requirements, to notify the Local Authority when they propose to privately foster a child. They must also notify the Local Authority during the placement of the privately fostered child.

The more effective and far reaching a Local Authority's communication strategy, the less likely a private foster carer is going to be unaware of the requirements relating to notification.

The Local Authority must decide which regulatory and enforcement action it proposes to take if a person is found to be in breach of the notification requirements.

If the Local Authority proposes to prosecute under Section 70 of the Children Act 1989 then family placement officers and Care Managers who engage with the private foster carer and whom are likely to uncover cases of non-notification, will have to be trained in the Police and Criminal Evidence Act interviewing and cautioning provisions. They will need to understand the rules against hearsay and be skilled in direct questioning recognising and avoiding leading questions. They will also need to deal with issues related to unused material in relation to the prosecution process.

As a Criminal Offence is committed by non-notification, the burden of proof requires evidence to prove the offence beyond reasonable doubt. A Care Manager experienced in care proceedings will be accustomed to working to the lower civil standard of proof the balance of probability.

In care cases hearsay is also admissible.

As a rough guide only, the level of proof in criminal cases is about 76% whereas in civil cases it is about 51%.

In criminal evidence the use of hearsay is very restricted.

Although in English law ignorance is no excuse, the Local Authority may reasonably decide on public interest grounds, that it is not in the interest of children to have their carers prosecuted and the Council's policy will be in normal circumstances, to divert first time cases of notification failure, out of the criminal justice system and into a programme of training and education on the importance of notification and best practice in private foster caring.

In those cases where a private foster carer has been found not to have followed the notification requirements previously, and been counselled and possibly attended a diversion training course, then a prosecution should be considered in consultation with senior managers and following advice from the Local Authority's own legal team, who can advise on the procedure.

It is not mandatory that breaches are prosecuted but the discretion whether to prosecute must be exercised consistently and fairly in accordance with the Council's policy.

Private Fostering Policy

sb/f/agreements/practice for non-notification by PFC

Appendix 6 Notification of The Private Fostering Arrangement And Changes In Circumstances

Notifications by parents, private foster carers and other interested individuals

There is a shared and individual responsibility for interested individuals to notify the local authority in relation to private fostering, as below:

The child's parent, the proposed private foster carer and any person involved in arranging for a child to be privately fostered is required to notify the local authority in writing not less than 6 weeks and not more than 13 weeks before he receives the child, unless he is to receive him in an emergency (Regulation 3(1)).

Notifications by other professionals

Teachers, health and other professionals should notify the local authority of a private fostering arrangement that comes to their attention, where they are not satisfied that the local authority have been or will be notified of the arrangement, so that the local authority can discharge its duty to safeguard and promote the welfare of the privately fostered child concerned.

Matters to be covered in the Annual Report to the Chair of the Local Safeguarding Children Board

This annual report will provide an overview of private fostering activity in the local area and set out the extent to which local agencies are cooperating in respect of Private Fostering matters by having particular regard to the following:

- Extent to which each agency has taken action to:
 - a) Promote staff awareness of the requirements of the Private Fostering Regulations
 - b) Promote public awareness of the requirements of the Private Fostering Regulations
 - c) Identify whether service users may be acting as private foster carers
 - d) Identify whether children using their services are placed with private foster carers
 - e) Provide Private foster carers or prospective private foster carers with advice, guidance and support.
 - f) Promote access to relevant training by Private Foster carers
 - g) Notify the local authority of the placement or proposed placement of any children with private foster carers
 - h) Notify other local authorities of the placement or proposed placement of any Bracknell Forest children with private foster carers in another area.
 - i) Extent to which the requirements of the new Regulations are being met in the Bracknell Forest Area.
 - j) What additional action is required by agencies to promote the full implementation of the new Regulations?



This matter is being dealt with by:

Time Square
Market Street
Bracknell
Berkshire
RG12! JD
☎ 01344 351582
Fax 01344 351521
DX 33611 Bracknell
Minicom 01344 352045
www.bracknell-forest.gov.uk

BRACKNELL FOREST BOROUGH COUNCIL CHILDREN'S SOCIAL CARE

Form PF1

To be completed by the Private Foster Carer

The Children (Private Arrangements for Fostering) Regulations 2005

I wish to notify you that I propose to undertake/have undertaken the care of the child named below and hereby provide the information required by the above regulations.

This information is true to the best of my knowledge and belief. I undertake to notify the local authority immediately of any changes in particulars.

Signature _____ Date _____
Name _____ Tel. No. _____
(Block Capitals)

SECTION A - Details of the Child and the Child's Family

Name of child _____ Gender Male / Female
(Please underline surname)
Date of Birth _____ Place of Birth _____
Religion _____ Ethnic Origin _____

Does the child or her/his parents use a language other than English? Yes/No

Details:

.....

Private Fostering Policy

Other cultural information if relevant:

.....
.....

Name and Address of Parents

Mother	_____	Father	_____
	_____		_____
	_____		_____

Does any other person have parental responsibility for the child? Yes/No

Name	_____	Name	_____
	(Please underline surname)		(Please underline surname)
Address	_____	Address	_____
	_____		_____
	_____		_____
	_____		_____
Telephone:	_____	Telephone:	_____
Relationship to child	_____	Relationship to child	_____
	_____		_____

Address where child living prior to fostering arrangement :

Address

Name of
previous carer

(Please underline
surname)

Relationship to

Private Fostering Policy

child _____

Does the child have any brothers and/or sisters? If so, please provide details of name, date of birth and where they are currently living:

Name _____
(Please underline
surname)
Date of Birth _____
Address _____

Name _____
(Please underline
surname)
Date of Birth _____
Address _____

Name _____
(Please underline
surname)
Date of Birth _____
Address _____

Name _____
(Please underline
surname)
Date of Birth _____
Address _____

SECTION B - Details of the Fostering Arrangement

When will the child be coming to live with you?

.....

OR (emergency notifications) When did the child come to live with you?

.....

Please state the purpose of the fostering arrangement and how long it is intended to continue.

.....

.....

.....

.....

From whom will the child be/has been received?

Mother/Father/Other person with parental responsibility/Other (please give name and address if it is not one of the people already named in Section A)

.....

.....

.....

Has any other person apart from those named in Section A been involved directly or indirectly in making the fostering arrangement? Yes/No

(If yes, please give name and address)

Name

(Please underline
surname)

Name

(Please underline
surname)

Address

Address

SECTION C - Details of Private Foster Carers

Address at which child will be fostered:

Address

Carer 1

Carer 2

Name

Name

(Please underline surname)

(Please underline surname)

Any previous name

Any previous name

Any previous addresses in last 5 years

Any previous addresses in last 5 years

Please note, every adult member of the household (i.e. over 16 years) must complete the attached declaration form PF4 regarding suitability, and agree to the necessary statutory references being taken up.

Is any person employed at your household? Yes/No

Details

.....

.....

.....

Please give details of any convictions, disqualification or prohibitions relating to the employee

.....

.....

Private Fostering Policy

.....
Please send this form to:

.....
.....
.....

privfos1

This matter is being dealt with by:

Time Square
Market Street
Bracknell
Berkshire
RG12! JD
☎ 01344 351582
Fax 01344 351521
DX 33611 Bracknell
Minicom 01344 352045
www.bracknell-forest.gov.uk

BRACKNELL FOREST BOROUGH COUNCIL CHILDREN'S SOCIAL CARE

Form PF2

To be completed by the Child's mother/father or other person with parental responsibility

The Children (Private Arrangements for Fostering) Regulations 2005

I wish to notify the Local Authority that the child named below will be/is fostered privately.

I am the child's mother/father/other person with parental responsibility/other person involved in making the fostering arrangements (please underline the one which applies to you).

Signature	_____	Date	_____
Name	_____	Tel. No.	_____
	(Block Capitals)		

SECTION A - Details of the child

Name of child	_____	Gender	Male / Female
	(Please underline surname)		
Date of Birth	_____	Place of Birth	_____
Religion	_____	Ethnic Origin	_____

Does the child or her/his parents use a language other than English? Yes/No

Details:

.....

Other cultural information if relevant:

.....

.....

Private Fostering Policy

Does the child have any brothers and/or sisters? If so, please provide details of name, date of birth and where they are currently living:

Name

(Please underline
surname)

Date of Birth

Address

Name

(Please underline
surname)

Date of Birth

Address

Name

(Please underline
surname)

Date of Birth

Address

Name

(Please underline
surname)

Date of Birth

Address

SECTION B - Details of the Fostering Arrangements

Address at which child will be fostered:

Address

Carer 1

Carer 2

Name

Name

(Please underline surname)

(Please underline surname)

Intended date of beginning of fostering arrangement:

.....

OR (Emergency notifications) Date fostering arrangement began:

.....

Please state the purpose of the fostering arrangement and how long it is intended to continue.

.....
.....
.....
.....

Has any other person been involved directly or indirectly in making the fostering arrangement? Yes/No (If yes, please completed details below)

Name

Name

(Please underline surname)

(Please underline surname)

Address

Address

SECTION C - Details of the Child's Family

Name and Address of Parents

Mother's Name	_____	Mother's Name	_____
Address	_____	Address	_____
	_____		_____
Telephone:	_____	Telephone:	_____
Marital Status:	_____	Marital Status:	_____

Does any other person have parental responsibility for the child? Yes/No

Name	_____	Name	_____
	(Please underline surname)		(Please underline surname)
Address	_____	Address	_____
	_____		_____
	_____		_____
Telephone:	_____	Telephone:	_____
Relationship to child	_____	Relationship to child	_____

Does the child have any brothers or sisters? Please give full details including full names, dates of birth, where they live and with whom:

Name	_____	Name	_____
	(Please underline surname)		(Please underline surname)
Date of Birth	_____	Date of Birth	_____
Carer's Name	_____	Carer's Name	_____
Address	_____	Address	_____
	_____		_____
	_____		_____

Private Fostering Policy

	_____		_____
	_____		_____
	_____		_____
Name	_____	Name	_____
	(Please underline surname)		(Please underline surname)
Date of Birth	_____	Date of Birth	_____
Carer's Name	_____	Carer's Name	_____
Address	_____	Address	_____
	_____		_____
	_____		_____
	_____		_____
	_____		_____

Please send this form to:

.....
.....
.....

privfos2 (PF2)

Social Care and Learning

Chief Officer – Penny Reuter

This matter is being dealt with by:

Time Square
Market Street
Bracknell
Berkshire
RG12! JD
☎ 01344 351582
Fax 01344 351521
DX 33611 Bracknell
Minicom 01344 352045
www.bracknell-forest.gov.uk

BRACKNELL FOREST BOROUGH COUNCIL CHILDREN'S SOCIAL CARE

Form PF3

The Children (Private Arrangements for Fostering) Regulations 2005

DECLARATION REGARDING SUITABILITY TO FOSTER CHILDREN PRIVATELY

Please complete both sides of this form

A separate form is to be completed by all members of the household over 16 years of age.

Does the child have any brothers and/or sisters? If so, please provide details of name, date of birth and where they are currently living:

Name

(Please underline
surname)

Date of Birth

Address

Private Fostering Policy

HAVE YOU EVER	Yes	No
1. Been convicted of any offences involving a child		
2. Had a child removed from your care by the order of any Court or Local Authority		
3. Had registration under Part X of the Children Act 1989 refused or cancelled, (child minding)		
4. Had your rights and duties with respect to any child vested in a Local Authority		
5. Had a prohibition imposed on you at any time		
6. Been disqualified from acting as a foster carer		
7. Been convicted of any other offence?		

If you have answered "yes" to any of the above questions, please supply the dates and circumstances.

.....

Signature _____ Date _____
 Name _____
 (Block Capitals)

Section 70(1)(a) of the Children Act 1989, provides that a person who makes any statement in this notice or information which he knows to be false or misleading, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5.

I agree to the Local Authority arranging for criminal records to be checked for previous convictions of me, the private foster carer/member of private foster carer's household, subject to the Rehabilitation of Offenders Act 1974 and exemption orders. I agree to the Local Authority making such confidential enquiries as may be considered necessary concerning my health, character and history in connection with children.

Signature _____ Date _____
 Name _____
 (Block Capitals)

Private Fostering Policy

Private Foster carers only:

Name and Address of GP

Name

(Please underline surname)

Address

Telephone:

Privfos3

Referral Form For Assessment Of Private Foster Carers

Name of SW referring			
Date of referral			
Name of child(ren)			
Home address			
Parent(s) Name			
Parental responsibility	Yes	No	
Name of Private Foster Carers			Relationship to child
Address			
Other adults over 16 in the household			
Other family members			
Is the child already placed with Private Foster Carers	Yes	No	
If yes - date of placement			
Current plan for child			
Has the single assessment been completed?	Yes	No	
Are the child(ren)'s parents in agreement with the Private Fostering arrangement?	Yes	No	
Child's views if applicable			

--	--	--

Private Fostering Pack provided to Social Worker	Yes	No
DBS Form	Yes	No

..... (Signature)
Family Placement Team Manager