

What is private fostering?

A private fostering arrangement is one that is made privately (without the involvement of a local authority) for the care of a child under the age of 16 years (under 18, if disabled) by someone other than a parent or close relative, in their own home, with the intention that it should last for 28 days or more. (*Close family relative is defined as a 'grandparent, brother, sister, uncle or aunt' and includes half-siblings and step-parents; it does not include great-aunts or uncles, great grandparents or cousins.) Privately fostered children are not Children in Care, they are outside the care of the local authority.



Every child deserves a family

Why are children in private foster care?

Most frequently, young people are in private foster care for the following reasons:

- children from other countries sent to live in the UK with extended family
- host families for language schools
- parental ill-health
- where parents who have moved away, but the child stays behind (eg. to stay at the same school to finish exams)
- teenagers estranged from their families

The Ofsted report into Private Fostering also refers to these reasons:

- children brought from outside the UK with a view to adoption
- children at independent boarding schools who do not return home for holidays and are placed with host families
- trafficked children

In January 2014, Ofsted published a report called 'Private fostering: better information, better understanding'. From a safeguarding perspective, the report's findings gave much cause for concern. Many private fostering arrangements are 'hidden' and, it appears, are rarely brought to the attention of local authorities, even though there it is an offence not to inform them. The penalty for non-reporting is a maximum £5,000 fine, but it seems that convictions are extremely rare. The legislation governing private fostering is the 'Children (Private Arrangements for Fostering) Regulations 2005' and came into force following the death of Victoria

Climbie in 2000. Victoria was privately fostered by her great aunt. Given the 'hidden' nature of much private fostering, local authorities have a duty to raise awareness of the need to notify the local Children's Services department.

The Duty to refer to the Local Authority

Each party involved in the private fostering arrangement has a legal duty to inform the relevant local authority at least six weeks before the arrangement is due to start. Not to do so is a criminal offence.

Once the notification has been made to the authority, Children's Services have a duty to visit and speak to the child, the parent and the foster carer; and everyone in the foster carers household. Children's services will then undertake a range of suitability checks including DBS checks on everyone in the household over the age of 16.

Other professionals, for example GPs surgeries and schools, also have a responsibility to report to the local authority where they are aware or suspect that a child is subject to a private fostering arrangement. (see 'Replacement Children Act 1989 Guidance on Private Fostering 2005 paragraph 2.6)

Note that although schools have a duty to inform the local authority, there is no duty for anyone, including the private foster carer or social workers to inform the school. However, it should be clear who has parental responsibility.

How do local authorities monitor the welfare of children in private fostering ?

The local authority must visit each privately fostered child at least every six weeks in the first year of the arrangement; and at least every twelve weeks in the second and subsequent year. In some areas schools are visited as part of this process to discuss the child with teachers.

The private foster carer has a duty to inform the local authority of any substantive changes to the arrangement or within the household.



Should schools be told about a private fostering arrangement?

There is no duty for schools to be given information about a child who is privately fostered by the family, carer or the local authority. There is however a duty on schools to inform children's services where they become aware of such an arrangement.

Further Information

Private fostering: better information, better understanding (Ofsted)

The Children (Private Arrangements for Fostering) Regulations 2005

National Minimum Standards for Private Fostering 2005

Replacement Children Act 1989 Guidance on Private Fostering 2005

www.privatefostering.org.uk

Information based on Safeguarding in Schools

<https://www.safeguardingschools.co.uk/private-fostering/>