

London Borough of Sutton

# Private Fostering

Essential facts about private fostering  
Information and advice for professionals

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## Private Fostering

The Children (Private Arrangements for Fostering) Regulations 2005 has reinforced the requirement, laid down in the Children Act 1989, for people who are privately fostering to notify the Local Authority. The Victoria Climbié Inquiry highlighted concerns about these arrangements and subsequent guidance has emphasised the duty of the Local Authority to safeguard children in these circumstances.

The Department for Education are concerned that the incidence of Private Fostering arrangements are under reported due to lack of public and professional awareness and that there may be children left vulnerable or at risk.

## What is Private Fostering?

This is a situation where a private arrangement is made to look after a child who is under 16 years of age (under 18 if disabled) for more than 28 days, where the main carer is someone other than the child's parent, legal guardian, step-parent, sibling, grandparent, aunt or uncle.

In the Children Act 1989 an aunt or uncle can be by full blood or affinity. "Affinity" refers to the relationship resulting from marriage between husband and the blood relations of the wife, and also between the wife and blood relations of the husband.

For a definition of "disabled" for the purposes of the Children Act 1989, Part III, see S.17 (11). For further guidance on private fostering of disabled children, see The Children Act 1989, Guidance and Regulations, Volume 6, "Children with Disabilities", Chapter 12.

What distinguishes a private fostering arrangement from a public care fostering arrangement is that it is not arranged nor paid for by the Local Authority.

## Notification

Both the child's parents and the private foster carers have a duty to notify Children's Services of the intention to place the child in private foster care no less than six weeks before and no more than 13 weeks before the arrangement is intended to start, unless it is made as an emergency,

in which case notification shall not be more than 48 hours after the child has been placed with carers.

Any other person who discovers a private fostering arrangement or knows of a private fostering arrangement should inform Children's Services. Children's Services may be notified of a private fostering arrangement by the parent, carer, another agency, or by a member of the public.

**Failure to notify Children's Services on the part of the carers or parent/s may be deemed to be an offence.**

## **Why is it important to notify Children's Services?**

The 1989 Children Act states: "It shall be the duty of every Local Authority to satisfy themselves that the welfare of children who are privately fostered in their area is being satisfactorily safeguarded and promoted, and to ensure such advice is given to those caring for them as appears to the Authority to be needed".

- There has been increasing concern heightened by the Victoria Climbié Inquiry that instances of private fostering are not being reported to Children's Services;
- A duty has been placed on Children's Services to raise the awareness of the public and professionals of the need to notify them of such arrangements;
- There are a number of circumstances and reasons why parents make arrangements for their children to be looked after by someone else resulting in a private fostering arrangement. Such children can be particularly vulnerable as they can be placed at considerable distance from their parents, who may only be able to visit infrequently. Such arrangements can have an indefinite duration and give a child little sense of security and identity.

Children's Services will ensure that children in such circumstances are safeguarded and that their needs are met. They will also ensure that they work in partnership with both parents and carers. It is important for children and their families to have as little intrusion from Children's Services as is necessary, respecting that most responsible parents will have made good arrangements for the care of their children in this way.

## **What Children's Services will do?**

Children's Services will notify other agencies of the arrangement, assess the child's needs and assess whether the private foster care arrangement is the best arrangement to meet the child's needs. Included in this will be an assessment of the child, their needs and a separate assessment of the carers to confirm their suitability to meet the child's needs.

These assessments will require consultation with the other agencies involved with the child and their carers. Children's Services will provide assistance to draw an agreement between the parents and the private foster carers as to meet the child's emotional, educational, health and cultural needs.

Assistance will also be provided to obtain services from other agencies to meet all of the child's needs where necessary.

Assistance to obtain services to support the private foster carers will be provided when needed.

Ongoing support to the arrangement will be provided and the arrangement and plans for the child will be regularly reviewed throughout the time of the arrangement. A Social Worker will visit at a minimum of every six weeks and hold a review at a minimum of every six months. Any other agencies who deliver services to the child and carers will also be involved.

## **What should you do if you become aware of a Private Fostering arrangement?**

If you become aware that a child is privately fostered, you should check if Children's Services have been notified. If not, you should then discuss this with the carers and parents and ensure they are aware that they must notify Children's Services. To do this they should contact London Borough of Sutton on **0208 770 6001** or visit **[www.sutton.gov.uk](http://www.sutton.gov.uk)**.