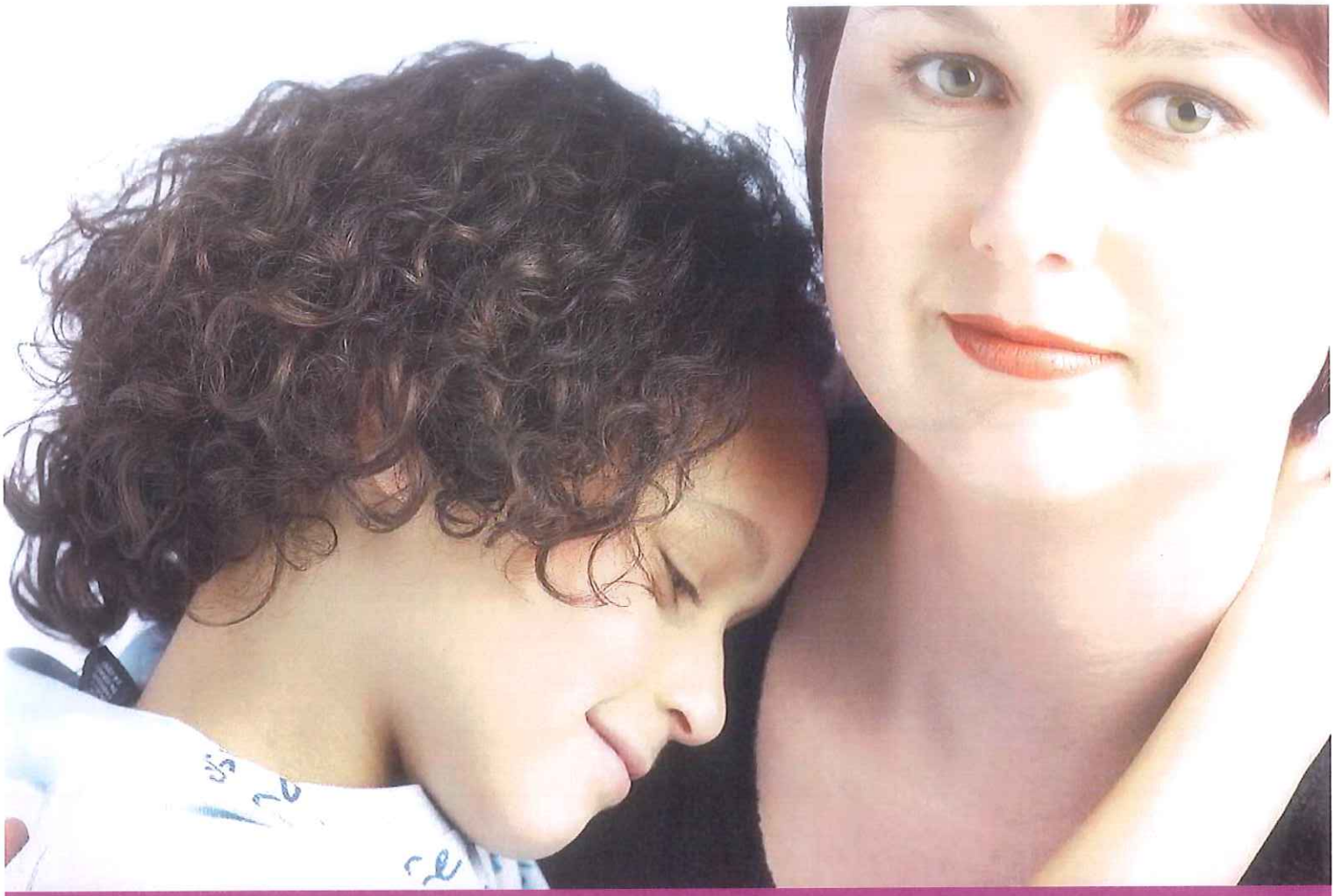


DERBYSHIRE COUNTY COUNCIL

Information about Private Fostering

DERBYSHIRE
County Council
Improving life for local people

What is Private Fostering?

Most children spend some time staying with friends and relatives at some time during their childhood. However, for some children these arrangements can be longer term.

If a child aged under 16 years (or under 18 years if they are disabled) goes to stay with people who are not related to them for 28 days or more, this is known as a **Private Fostering Arrangement** and special rules apply.

Private Fostering is the term used to describe an arrangement made privately (that is without the involvement of the local authority) between the child's parents and a carer of their choice.

A child is considered to be in private foster care if he or she is in the full time care of someone who is not directly related, nor is a legal guardian, for a total of **28 days** or longer.

The period of 28 days does not have to be continuous. If, for example, a child regularly stays with a school friend's family and, whilst this arrangement adds up to 28 days or longer, after which he or she returns home to the full-time care of his or her parents, then this **would not be** a private fostering arrangement. On the other hand, if a child is effectively cared for by a non-relative or legal guardian but returns to the parent at weekends, then this **would be** a private fostering arrangement.

Private Fostering and Childminding

Private fostering differs from child minding in that the child in foster care lives with the carer. Childminders can only offer daily care and occasional overnight stays.

Private fostering arrangements are used by some parents to meet the needs of their children. Such agreements are acceptable providing specific guidelines are followed for the protection of the child, the parents and the carers.

Some teenagers may choose to live with another family who is agreeable to care for them. The same rules apply

What are your responsibilities as a parent?

What is best for the child is always the first consideration even if the arrangement is not intended to be long term.

If...

- you are looking after a child and think you could be a private foster carer; or,
- you are the parent of a child who is cared for by someone who is not a relative

Contact us for advice - you may be involved in a private fostering arrangement.

How can we help parents?

Under the Children Act 1989, the local authority has a duty to make sure that the proposed arrangement will provide for the child's needs and safeguard his or her welfare.

These duties include:

- exploring with the parents the need for the arrangement and any other ways in which that need might be met;
- clarifying the proposed duration of the arrangement;
- ensuring all parties involved are aware of the implications of the arrangements and what it involves – this includes taking account of the views of the child;
- assessing the prospective private foster carers' suitability for the role, and that of other members of their household;
- ensuring that all the necessary requirements are met;

The local authority has the powers to prohibit a person from privately fostering if they, or their household, are judged to be unsuitable. They also have the power to impose restrictions upon the way a person may operate as a private foster care – for example, the number of children they can care for or the length of time an arrangement should last. (Private foster carers have the right to appeal to a court against any such decisions)

How can we help a Private Foster carer?

If you are thinking about caring for someone else's child, we will explain all that this entails and provide advice on;

- how to work with the child's parents
- how to help the child you are caring for adapt to his new home and circumstances.
- your rights and responsibilities

How can we help the child?

It is the first duty of the local authority to ensure that the welfare of children who are privately fostered is safeguarded and promoted, whilst respecting the parent's right to make such private arrangements. To ensure this happens:

- arrangements will be made for the child to be visited at regular intervals throughout the arrangement
- all parties, including privately fostered children, can ask us for advice or information

Some of the things parents need to know about Private Fostering

If you are thinking about placing your child with a private foster carer, the first thing you need to do is contact us:

- at least 6 weeks before the proposed arrangement and later, within 48 hours after the arrangement has commenced; **or**
- immediately if the timescale is shorter
- we will need you to complete a written notification of your intention

Even if you are arranging for someone else to care for your child, you remain responsible for him or her in every respect. You should be aware that:

- especially where the child is very young, separation for longer than short periods of time can be emotionally damaging for many children
- any person who has the care of someone else's child for 3 or more years has the right to apply to a court for an order granting them parental responsibility

It will be your decision and it needs to be made on the basis of the best possible information.

- You will need to provide the private foster carers with as much information as possible to enable them to adjust their lives to accommodate the needs of your child – especially about how long the arrangement is to last and how you intend to maintain contact and continue to be involved in his or her life - this information should be written down for them
- You will need to include details about your family members and family friends, especially those with whom your child has a close relationship. You will also need to provide the fullest possible information about his or her needs and routines, likes and dislikes, including details of his or her first language (if not English), culture, religion, diet, health, education and so on. Most of all, you need to explain if you child has any special needs arising from any disability or illness. In particular you will need to give your written agreement for the private foster carer to be able give consent for any medical treatment he or she may need.
- You will remain financially responsible for your child and will need to agree the arrangements for meeting the costs of his or her care

We would strongly advise you to have a written agreement signed by both parties setting out clearly how your child's welfare is to be safeguarded and what expectations you have of each other.
By keeping this up to date and amending it as the need arises, the likelihood of misunderstandings will be greatly reduced.

What can parents expect from the Local Authority?

Entrusting the care of your child to someone else is not a decision to be taken lightly. It is important that they – and all other members of their household - are suitable and will take good care of your child.

If you tell us about a private fostering arrangement you will be asked to give us basic information about yourself, your child and the person who is (planning) to care for them. We will then:

- arrange to speak to all the parties involved to ensure that they fully understand what this entails and are aware of their responsibilities
- explore with you any other options to enable your child to remain with you or help you make the best alternative arrangements
- seek their agreement to undertake some background checks to ensure their suitability. (Private foster carers are not formally registered or approved)
- offer advice and assistance on how to make the arrangement work

Should the arrangement then proceed, we will arrange for your child to be visited on a regular basis. We will also keep detailed records of the outcomes of those visits and regularly review our findings.

If, at any stage, the local authority has any concerns about the arrangements for the care of your child, they will be shared with you.

Some of the things private foster carers need to know.

If you are thinking of looking after someone else's child by private arrangement, the first thing you need to do is contact us:

- at least 6 weeks before the proposed arrangement and later, within 48 hours after the arrangement has commenced; **or**
- immediately if the timescale is shorter, or if you are already caring for a child who is unrelated to you.

It is the over-riding duty of the local authority to ensure that children are safeguarded and that persons wishing to become private foster carers, and all other adults in their household, are suitable.
This means that:

- they must agree to police and other checks to establish their suitability to care for other people's children.
- the accommodation in which the child will live must be also be suitable for the purpose of private fostering

the arrangements proposed for child matches his or her needs and the care provided meets those expectations

Private foster carers must meet these expectations and agree to regular visits to check that the arrangements are proceeding as planned. If these requirements are not met, the local authority has the power to impose restrictions, including prohibiting, persons from privately fostering children.

The decision to make a private fostering arrangement is first and foremost a matter for the parents and, wherever possible, the local authority will want to enable them to make suitable arrangements and assist the private foster carer to meet the child's needs.

When the child comes to live with you, you become responsible for his or her day to day care and upbringing. However, the child's parents remain fully responsible for him or her, not the private foster carer nor the local authority. It is your responsibility to make sure:

- that the child is happy, healthy and that all his or her needs are met
- that your costs of caring for the child are adequately met – this is the responsibility of the child's parents
- that the local authority is informed of any changes to the arrangements or your circumstances

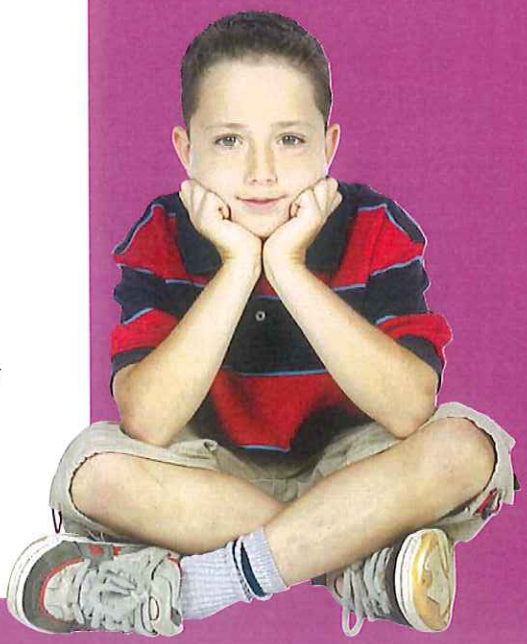
What can private foster carers expect from the Local Authority?

Prior to the child arriving, the local authority will;

- arrange to speak to all the parties involved to ensure that they fully understand what this entails and are aware of their responsibilities
- provide advice and support for planning the child's stay
- assist you to obtain all the necessary information to meet the child's needs for the duration of the arrangement

Once the arrangement has begun and the child is in your care you will:

- receive regular visits to ensure that the arrangement is working well
- have access to advice and support from a named worker should you require any assistance with your role as a private foster carer



Further advice and information

Call Derbyshire on 08456 058 058