

# **Blackburn with Darwen Children's Social Care Private Fostering Statement of Purpose**

June 2018

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## 1. INTRODUCTION

The Government introduced new legislation on private fostering in Section 44 of the Children Act 2004 and The Children (Private Arrangements for Fostering) Regulations 2005 which came into force on 18th July 2007.

These measures, together with the National Minimum Standards for Private Fostering and the new role for Local Safeguarding Children Boards in looking at private fostering, were designed to focus Local Authorities' attention on private fostering in light of the Victoria Climbié inquiry.

The legislative framework applicable to private fostering arrangements:

- The Children Acts 1989 and 2004
- The Children and Young Person's Act 2008
- Disqualification from Caring for Children Regulations 2004
- The Children (Private Arrangements for Fostering) Regulations 2005
- Children Act 1989 Guidance on Private Fostering (2005)
- National Minimum Standards for Private Fostering (2005)
- Working Together 2015

Blackburn with Darwen Council is committed to ensuring its duties and functions in relation to private fostering are carried out in accordance with the requirements of legislation and guidance. This statement of purpose is a description of private fostering arrangements within Blackburn with Darwen, and is separate from the Fostering Services Statement of Purpose 2008. It is designed to meet the requirements of the Private Fostering National Minimum Standards 2005, Standard 1 and to provide a clear description/guide to the service for professionals, the public, council members and external organisations. It will describe private fostering arrangements, the assessment processes and the support and advice offered to private foster carers, privately fostered children within the borough and their parents, and is designed to be read in conjunction with the procedures for Private Fostering (see link below) which specifies children's social care practice with regard to its duties and functions in respect of private fostering.

The private fostering guidance and literature can be found on the Council website [www.blackburn.gov.uk](http://www.blackburn.gov.uk)

More in-depth service delivery procedures for private fostering, that set out the actions required to ensure that privately fostered children are properly safeguarded with regard to child protection matters and standards of care and welfare concerns, are available online by going to the following address:  
[http://blackburndarwenchildcare.proceduresonline.com/chapters/p\\_private\\_fostering.html](http://blackburndarwenchildcare.proceduresonline.com/chapters/p_private_fostering.html)

The MASH in conjunction with the Assessment and Social Work Team are responsible for the initial screening and assessment of any potential private fostering arrangements, (unless the child or young person already has an allocated social worker We are located at:

Blackburn with Darwen Borough Council  
Children's Services  
10 Duke Street  
Blackburn  
Lancashire BB2 6DH

Multi-Agency Safeguarding Hub (MASH) 01254 666400

## 2. DEFINITION OF PRIVATE FOSTERING

A private fostering arrangement is one where children under the age of 16 (18 if disabled) are cared for and provided with accommodation in the carer's own home for a period of 28 consecutive days or more, by a carer who is not their parent or a close relative\* and who does not have parental responsibility. In these circumstances, it is the responsibility of the parent, carer, and anyone else involved in making the private fostering arrangement, to notify their local authority (LA) of the private fostering arrangement.

*\*A close relative as defined by The Children Act 1989 'means a grandparent, brother, sister, aunt, uncle (whether of full blood, half blood or by marriage) or step parent.'*

This definition thus excludes cousins, great grandparents and co-habitees.

Note: A step-parent is a guardian that replaces a mother or father, but to be a legal step-parent you have to marry one of the parents. Death does not sever the marriage connection for step-relatives.

Privately fostered children include:

- Children sent from abroad to stay with another family for 28 days or more
- Asylum seeking and refugee children staying with non-relatives or friends for 28 days or more.
- Teenagers who are staying with friends or 'non' relatives for 28 days or more.
- Children on 'exchange' visits living with host families for 28 days or more.

A child is not privately fostered if the person caring for him/her

- Has done so for a period of less than 28 days
- Does not intend to do so for a period of 28 days or more

Note: the period for which the child is cared for and accommodated by the private foster carer should be continuous, but that continuity is not broken by the occasional short break. (*Replacement Childrens Act 1989 Guidance on Private Fostering*)

Any arrangement that meets the criteria above, whether for reward (monetary or otherwise) or not, is seen as a private fostering arrangement. Unlike a fostering arrangement a private fostering arrangement is neither arranged or paid for by the local authority. However the local authority does have a duty to ensure all children/young people placed in private fostering arrangements are adequately safeguarded.

### **3. LOCAL AUTHORITY DUTIES AND FUNCTIONS**

Blackburn with Darwen Council works in accordance with the legislative and regulatory framework and the duties and functions flowing from these require the Council to:

- Promote public awareness of private fostering notification requirements and develop a programme of communication activities for local authority staff, other professionals and agencies and to develop a range of up to date publicity materials.
- Provide advice to parents or persons with parental responsibility, to those proposing to privately foster a child, to existing private foster carers and any other person concerned with a privately fostered child.
- On receipt of a notification of a proposal to privately foster a child or on receipt of a notification of an existing private fostering arrangement, arrange for an officer of the authority to visit within seven days and undertake enquiries in accordance with Regulation 4(1) Children Act 2004 and provide a written assessment which concludes either that :
  - arrangements are satisfactory or
  - that requirements should be imposed or
  - that the carer is disqualified or
  - that the carer should be prohibited from private fostering.
- Undertake monitoring visits to see privately fostered children on their own in accordance with statutory guidance and whenever reasonably requested to do so by the child, carer, parent or person with parental responsibility and to record appropriately
- Undertake an assessment of need under S17 of The Children Act 1989, where there are concerns that a privately fostered child may not achieve a satisfactory level of health or development without the provision of services – this is particularly the case in respect of disabled children who are privately fostered.
- Provide advice and assistance to a disabled person resident in the area who is under 21 and who was (but is no longer) privately fostered at any time after his 16<sup>th</sup> birthday.
- Appoint an officer to monitor how the authority discharges its duties (Service Lead).
- Undertake regular review of a sample of child and private foster carer records and provide annual reports to the Director of Children’s Services and the Local Safeguarding Children’s Board.
- Record information on the numbers of privately fostered children and private foster carers living in the area, the number of new notifications, enquiries received, responses given and actions taken.
- Maintain records for each privately fostered child and private foster carer.

### **4. TRAINING**

#### **Private Foster Carers**

The local authority offers a range of training packages to foster carers and this will also be available to private foster carers as appropriate. The social worker will consider the training needs of private foster carers as part of the monitoring of the placement, and liaise with the fostering service re annual foster carers training programme

## **Social Care Staff**

Information on the duties and functions of the local authority in respect of Private Fostering is available to all staff via Tri-X and has also been made available to them through workshops and briefings. Managers in MASH are available for advice.

Training on private fostering will form part of the induction of all new staff and will be included in all multi agency child in need and safeguarding training.

This training ensures that social work staff have knowledge and understanding of:

- The legal definition of private fostering arrangements.
- The legislative framework, timescales and statutory duties placed upon the local authority in respect of private fostering arrangements.
- Their safeguarding duties in respect of private fostering arrangements
- The assessment requirements and concept of 'requirements' and 'prohibitions'
- Where to go to access further advice.

## **External agencies/professionals**

Training is available via:

- LSCB multi-agency safeguarding training
- Briefing sessions and information literature to external organisations ie schools, madrassas, health and voluntary agencies.,
- Inclusion in organisational in-house child in need/child protection training.

## **5. PROMOTING AWARENESS**

Blackburn with Darwen Borough Council has the following objectives in relation to promoting awareness of private fostering:

- To raise awareness and understanding about private fostering among the general public;
- To raise awareness of the need to notify among private foster carers, parents of privately fostered children and the children who are privately fostered;
- To enable local agencies, faith and community organisations, schools, health centres and other professionals to gain awareness of private fostering notification requirements and their responsibility in ensuring the local authority is notified of any such arrangements that may come to their attention;
- To increase private fostering notifications.

Awareness raising activities include:

- Production of leaflets and posters specific either to young people, parents , prospective carers and professionals. Materials are reviewed annually and are available in a range of formats on request.
- Distribution of posters and leaflets to children's centres, health centres, G.P surgeries, opticians, schools, community venues and key partners in the voluntary and independent sector. Posters and leaflets are displayed in all Council buildings to which the public have access.
- Regular display of 'posters' on Plasma screens in council buildings, health establishments and local shopping centres.
- Regular placement of posters and articles in the Council's internal publications e.g. School Bulletins, 'Teamtalk,' 'Newsflash' and also in Elected Member's Information packs.
- Private Fostering literature distributed amongst the voluntary sector.
- Use of Blackburn with Darwen's website to publicise the issue of private fostering and provide answers to FAQ's.
- Utilisation of local media ie Asian ImageInformation sessions for Head Teachers, Elected Members and School Governors.
- Private Fostering Champions within the Children's Centre network
- Private Fostering is included in safeguarding events held within the Madrassas.
- Attendance at cluster events including private, voluntary & independent providers and childminders.

Training workshops are provided at least annually for all Children's Services staff, and named groups of professionals in education, any of whom may come across private fostering arrangements. Materials are available to all schools in the borough and to other organisations as required. This ensures that those who may come across private fostering arrangements understand:

- Their safeguarding duties in respect of children subject to private fostering arrangements
- The legal definition of a private fostering arrangement.
- The range of circumstances which may give rise to private fostering arrangements.
- Contact details for making referrals in respect of private fostering to children's social care.

## **6. ASSESSMENT OF PRIVATE FOSTERING ARRANGEMENTS**

All 'notifications' of actual or proposed private fostering arrangements meet the threshold for social work intervention (Level 3 Continuum of Need and Response).

Notifications of private fostering arrangements in respect of children previously unknown to Children's Social Care are assessed by a social worker from within the MASH team. Where 'notifications' are received in respect of arrangements for children already known to Children's Social Care and who already have a social worker the private fostering arrangement assessment will be undertaken by the child's social worker.

Police checks on private foster carers, proposed private foster carers and relevant family members, will be undertaken immediately within MASH prior to the enhanced DBS checks being done as part of the full assessment. A privately fostered child is a 'Child in Need' (S17 C.A. 1989). All children proposed to become or actually subject of a private fostering arrangement will be subject to an assessment.

The welfare of the young person will remain paramount through the assessment.

The purpose of the assessment is to determine:-

- a) The suitability of the person and his/her household;
- b) The suitability of the accommodation in which the private fostering is to take place;
- c) That the arrangements will meet the child's needs.

The assessment will be in two parts:

- Child and family assessment (known as the single assessment) – child to be seen within 7 working days. *If at the first checkpoint it is determined to be a Private Fostering arrangement then the C&F assessment concludes and a -*
- Private Fostering Assessment of Arrangements Record (PFAAR) to be completed and presented to the Service Lead (safeguarding) for authorisation within -35 days of the notification (this includes the 7 days above). Once authorised the Service Lead will forward to the Agency Decision Maker to sign off and agree to the arrangement. (within 42 days)

Once agreed by the ADM the parents and private foster carer will be notified of the outcome, in writing within 5 working days,.

In order that the Local Authority can complete its duties with regard to the suitability of the private foster carer the following checks will be made:-

### **Police Records**

Upon notification immediate Police checks to be undertaken by Police staff within MASH. Then the proposed private foster carer and all members of the household over 16 years of age must complete an enhanced Disclosure & Barring Service check.

## **Departmental Records**

The social worker will check the Integrated Children's System to ascertain as to whether the proposed private foster carer is known and in what context. If the private foster carer is known to have previously lived in another local authority area, checks should also be made with the relevant local authority.

## **Statutory Checks**

The social worker will check with health visitors, schools, education services and other relevant professionals as to whether the proposed private foster carer is known and in what context.

The local authority **does not have the power to approve** private fostering placements but does have the power to **prohibit** a person from privately fostering where they are of the opinion that:

- s/he is not a suitable person (S69(2)(a) of the Act)
- the premises are not suitable (S69(2)(b) of the Act)
- neither the premises nor the accommodation is suitable (S69(2)(9c) of the Act)

## **7. SUPERVISION OF PLACEMENT**

### **Responsibility for Supervision of Placement**

Supervision of privately fostered children in placement is undertaken by the children in our care team.

### **Visiting Requirements**

The minimum visiting requirements by the Local Authority are:

- within one week of placement (or notification of placement),
- fortnightly until the case is authorised by the Agency Decision Maker.
- not less than six weekly for the first year of placement
- not less than 3 monthly intervals determined by the circumstances of the case or whenever reasonably requested by the child or private foster carer after the first year of placement.

A practitioner will arrange to see the child alone during welfare visits, unless there are circumstances, which make this inappropriate.

It is an offence for a private foster carer to refuse to allow a child to be visited or to obstruct the social worker in the exercise of their duty. If such difficulties are encountered then advice will be sought from Legal Services.

The purpose of the visits are to ensure that the child/young person remains suitably safeguarded. If concerns arise about the care of the child the practitioner will inform the parents of the child who then have the responsibility to make alternative arrangements if the placement is not satisfactory. If the parents are not able or willing to make alternative suitable arrangements, it may be necessary for the local authority to consider whether this places the child at risk and in need of protection or accommodation from the local authority.

### **Written Records**

Case notes should be inputted onto LCS after each visit and include:

- Whether the child was seen alone
- Information about the child's welfare
- Information about the placement
- Views of the child and carer.

An individual record will be kept for each child privately fostered and a separate case record for the private foster carers.

### **Review Arrangements**

A child who is privately fostered is a child in need and the private fostering plan in respect of the child should be reviewed by an Independent Reviewing Officer at 3 months and at a minimum frequency of 6

months thereafter, and should involve contributions from the child, parents and all those involved with the child.

## **8. ADVICE, INFORMATION AND SUPPORT**

The Council has a duty to provide advice to parents or persons with parental responsibility, to those proposing to privately foster a child, to existing private foster carers and any other person concerned with a privately fostered child.

### **Advice and Support for Parents**

The local authority will provide advice and support to parents as needed. Parents will be provided information as to the notification processes and implications of private fostering arrangements. This is available in leaflet form at all council public access points in the Borough.

### **Advice, Information and Support to Private Foster Carers**

Assessing social workers will ensure that private foster carers or prospective private foster carers receive information about the requirements in respect of notification. This information is available in leaflet form from Children's Services and at all council public access points in the Borough. The social worker will provide private foster carers including prospective private foster carers' information/advice on:

- The legal requirements and responsibilities of private fostering
- Entitlement to child and other financial benefits
- Resources or facilities available to assist in meeting the particular needs of the child they are caring for or plan to care for in respect of religion, culture, race and language, parenting strategies and other training and support as identified.
- Support services available in the local area –including health, education and housing services, youth support services, voluntary organizations and community groups.

### **Information and Support for Privately Fostered Children**

All privately fostered children/young people will have a named practitioner and be provided their contact details.

The practitioner will provide age appropriate information and advice on:

- What being privately fostered means
- The responsibilities of a private foster carer
- What to do if they are worried about their care or any other arrangements pertinent to their care
- Advocacy services and their right to participate in decisions about their lives .

Privately fostered children with a disability who may remain privately fostered up to the age of 18 years will be provided with additional information about:

- Transition arrangements for service provision by adult services
- After care provision under Section 24 of the Children Act 1989 as these privately fostered children 'qualify' for advice and assistance, in kind or in cash, under the Act.

Information leaflets and poster are provided in English but where appropriate independent translators and interpreters will be used to support children, young people and their parents and carers.

## **9. ARRANGEMENTS FOR MONITORING AND EVALUATING THE QUALITY AND EFFECTIVENESS OF THE BLACKBURN WITH DARWEN BOROUGH COUNCIL PRIVATE FOSTERING SERVICES**

Blackburn with Darwen Borough Council is committed to providing services, which comply with Regulations and the National Minimum Standards for -Private Fostering. Overall responsibility for oversight of private fostering services lies with the Strategic Head of Service Social Work

Monitoring and evaluation takes place in the following ways:

- Data collection and recording, which is reported to the Service Lead with responsibility for Private Fostering, on a quarterly basis;
- Supervision of social workers

## **10. CORPORATE AND MANAGEMENT RESPONSIBILITIES**

All policies and plans are presented for discussion and approval to the Children's Management Team. They are then considered and ratified by:

- Children's Services Senior Leadership Team (SLT)
- Children's Services & Education Senior Policy Team (SPT)

An annual Private Fostering Report will be presented to the Director of Children's Services, and will include performance data together with an evaluation of issues and outcomes in the Blackburn with Darwen area in relation to privately fostered children. A summary will be presented to the Local Safeguarding Children's Board.

## **11. COMPLAINTS**

Blackburn with Darwen Borough Council Children's Services have in place a Complaints Procedure and a designated Complaints Officer. The complaints procedure underpins all service areas and ensures comments and complaints are heard and responded to in a fair and timely way. The Directorate would aim to resolve any complaints within 10 working days.

When a private foster child or a private foster carer has a query or is not satisfied with the service they are receiving, every attempt will be made to resolve the problem. However, should the matter become a formal complaint, the complaints procedure would be followed. In such cases the complainant is advised to contact the Customer Care Manager if they wish and to put their complaint in writing. The member of staff dealing with the issue will provide the complainant with an information leaflet on the complaint process.

Email: [feedback@blackburn.gov.uk](mailto:feedback@blackburn.gov.uk) Telephone: 01254 585755

All privately fostered children will be provided with information as to how to gain support from Advocacy Services about how to make a complaint and how to obtain access to an independent person who can help them with the complaint process. All children, birth parents and private foster carers will be informed of their right to complain to Ofsted: Piccadilly Gate, Store Street, Manchester, M1 2WD. Their telephone number is 0300 123 1231 and the email address is [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

## **12 REVIEW**

The Statement of Purpose and Procedures in respect of the discharge of local authority duties in respect of private fostering will be reviewed annually in line with any changes in legislation or guidance to ensure that the Council's duties and functions in relation to private fostering are effectively discharged.