

## Kingston & Richmond LSCB Private Fostering Policy

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Owner: Adviser	Elisabeth Major, LSCB Professional
Target audience:	All professionals & volunteers
Name of author:	Elisabeth Major
Job title of author:	Elisabeth Major
Contact details:	<a href="mailto:elisabeth.major@achievingforchildren.org.uk">elisabeth.major@achievingforchildren.org.uk</a>

## Related policies & publications

### Working Together for Safeguarding Children 2015

[www.kingston.gov.uk/info/200244/fostering/594/types\\_of\\_fostering/9](http://www.kingston.gov.uk/info/200244/fostering/594/types_of_fostering/9)

[https://www.richmond.gov.uk/private\\_fostering](https://www.richmond.gov.uk/private_fostering)

- [www.privatefostering.org.uk](http://www.privatefostering.org.uk)
- <http://childlawadvice.org.uk/information-pages/private-fostering/>
- [www.safeguardinginschools.co.uk/private-fostering/](http://www.safeguardinginschools.co.uk/private-fostering/)



# Kingston and Richmond LSCB Private Fostering Protocol

February 2018

# Introduction

The purpose of this document is to give guidance to every agency including parents, carers and the public around Private Fostering.

## Definition of Private Fostering

Private Fostering is when a child under the age of 16 years (under 18 if they are disabled) is cared for by someone **who is not** their parent or a close relative, for 28 days or more. However, this is 14 days if the child is cared for in hospital or in a residential school.

Close relatives are defined as step-parents, grandparents, brothers, sisters, uncles or aunts. To be Privately Fostered, the arrangement has not been made by the local authority, and the child or young person is not being looked after by an approved foster carer.

Some children come to the United Kingdom to study and have been placed by a school or agency with a host family. These children may be within a Private Fostering arrangement and it is the responsibility of the host family or agency to inform the local authority about this arrangement.

### **The purpose of this protocol is to:**

- Ensure that professionals and practitioners understand the definition of Private Fostering;
- Raise awareness amongst the local safeguarding community to identify children who are privately fostered;
- Raise awareness for the need to safeguard the welfare of children who are privately fostered;
- Encourage and promote carers or parents to report if there is a Private Fostering placement in place to the Kingston or Richmond Single Point of Access (SPA).

## Background

Section 67 of the Children Act 1989 (Amended in Part 5 of Children Act 2004, C31) places a duty on any local authority to satisfy itself that the welfare of children who are privately fostered is being satisfactorily safeguarded and promoted. By doing this the local authority needs to fulfil the following main duties:

Respond and assess notifications of Private Fostering arrangements.

Appropriate assessments need to be made of the suitability of care provided within Private Fostering arrangements. If it is necessary, the local authority must require the Private Foster carer to make appropriate adjustments to ensure that the standard of care is improved.

The Local Authority must visit the Private Foster carer and child to ensure the child's needs are met and the child is safeguarded. The local authority must visit in the first week of placement and thereafter make regular visit six weekly, with a written report after each visit

New measures introduced by the Children Act 2004 amendments places an obligation for the local authority to raise public awareness of Private Fostering which would ultimately increase the numbers of notifications for Private Fostering arrangements.

### **Example of a Private Fostering arrangement:**

- 12 year old Robert has been living with his great uncle for the past two months whilst his parents visit family in another country. Robert's parents have asked his great uncle to look after him for another six months. Is this Private Fostering?

**Yes.** Because the arrangement has been made by Robert's parents and his great uncle, who is not a close relative, and because he is under 16 years and will be living with them for more than 28 days, this is private fostering  
([www.richmond.gov.uk/privatefosteringleaflet.pdf](http://www.richmond.gov.uk/privatefosteringleaflet.pdf)).

- Lily is six and has been living with her grandparents for the past three weeks while her parents are on holiday - they are due back next week. Is this Private Fostering?

**No.** Lily's parents are due back before she has been staying with her grandparents for longer than 28 days. Even if she stays with them longer, the law states they are close relatives so this is not Private Fostering  
([www.richmond.gov.uk/privatefosteringleaflet.pdf](http://www.richmond.gov.uk/privatefosteringleaflet.pdf)).

- Lorenzo from Italy attends a Language School and is placed with a host family. He is 14 years old and his family has agreed to this arrangement and has paid for it. He will be in the UK for 3 months. Is this Private Fostering?

**Yes.** Please see the LSCB advice for Independent Schools.:  
<http://kingstonandrichmondscb.org.uk/media/upload/fck/file/Policies%20and%20Procedures/Kingston%20&%20Richmond%20LSCB%20Independent%20Schools%20and%20Private%20Fostering%20Jan%202015.pdf>

A child is privately fostered where a person assumes personal care in a capacity which is not part of their duties in relation to any school in which the child is receiving fulltime education, if the duration of the placement is or is intended to be 28 days or more.

# Reasons for Private Fostering arrangements

There may be a range of reasons as to why children are Privately Fostered. Some examples of these reasons are listed below:

- Children sent to the UK by their birth parents for education e.g. attending a boarding or language school;
- Children sent to the UK for health care;
- Parental mental health issues within the family;
- Parents may work or study long hours or overseas;
- Children who have been sponsored by a college or sports academy resulting them living away from the family home;
- Holiday exchanges that last more than 28 days;
- Sofa Surfing - (of a homeless person) the practice of staying temporarily with various friends and relatives while attempting to find permanent accommodation;  
(<http://www.collinsdictionary.com/dictionary/english/sofa-surfing>)
- Unaccompanied Asylum Seeking Children;
- Children living with friends/boyfriends/girlfriends and their families due familial issues, parental problems or arguments within the home.

## Exemptions:

- A child is not Privately Fostered whilst being looked after by the Local Authority;
- A child is not Privately Fostered whilst being cared for in:
  1. A children's home;
  2. Accommodation provided for or on behalf of any voluntary organisation;
  3. Any residential care home, nursing home or mental nursing home;
  4. Any other home or institution provided and maintained by the Secretary of State.
- A child is not Privately Fostered if cared for in premises in which any parent, person with parental responsibility<sup>1</sup> or relative who has assumed responsibility for the child's care is living.

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<sup>1</sup> All mothers and most fathers have legal rights and responsibilities as a parent - known as 'parental responsibility'. Legal arrangements can be made by parents to confer Parental Responsibility to others - <https://www.gov.uk/parental-rights-responsibilities/what-is-parental-responsibility>

# Why should the Local Authority be notified about Private Foster care arrangements?

- A child could be at risk.
- It is an offence for the carer and parent not to notify the local authority, without reasonable cause;
- Private Foster carers could be putting themselves and their family at risk and miss out on help and support;
- If you are a professional or agency working with children you have a duty under **Section 10** of the **Children Act 2004** to tell the Local Authority of any child or young person who is being, or is going to be, Privately Fostered.

## Responsibilities of LSCB partners

- Ensure staff and practitioners working with children and their families understand the definition of Private Fostering and their duties e.g. attending relevant training;
- Ensure that if staff and practitioners become aware of a Private Fostering arrangement or an intended arrangement, they notify the Kingston and Richmond SPA. They should also encourage the Private Foster carer of their obligations to notify the local authority;
- Raise the profile of private fostering arrangements to ensure that children and young people are safeguarded within Kingston and Richmond.

## How to notify the Local Authority of a Private Fostering arrangement.

Call the SPA in [Kingston](#) [0208 574 5008] or [Richmond](#) [0208 574 5008] if you have concerns about a child or queries about Private Fostering.

## Relevant Guidance and Regulations:

- [The Care Planning, Placement and Case Review and Fostering Services \(Miscellaneous Amendments\) Regulations 2013;](#)
- [Delegation of authority: Amendments to the Children Act 1989 Guidance and Regulations, Vol 2: Care Planning, Placement and Case Review-July 2013.](#)
- [Assessment and approval of foster carers: Amendments to the Children Act 1989 Guidance and Regulations, Volume 4: Fostering Services – 15 July 2013.](#)
- [Children Act 1989: private fostering](#)
- [Children \(Private Arrangements for Fostering\) Regulations 2005](#)
- [Children Act 2004 Chapter 31](#)

## Relevant sources of information

- [www.richmond.gov.uk/private\\_fostering](http://www.richmond.gov.uk/private_fostering)
- [www.kingston.gov.uk/info/200244/fostering/594/types\\_of\\_fostering/9](http://www.kingston.gov.uk/info/200244/fostering/594/types_of_fostering/9)
- [www.privatefostering.org.uk/](http://www.privatefostering.org.uk/)
- [kingstonandrichmondlsqb.org.uk/practitioners/private-fostering-134.php](http://kingstonandrichmondlsqb.org.uk/practitioners/private-fostering-134.php)
- <http://www.privatefostering.org.uk/>
- <http://kingstonandrichmondlsqb.org.uk/media/upload/fck/file/Policies%20and%20Procedures/Kingston%20&%20Richmond%20LSCB%20Independent%20Schools%20and%20Private%20Fostering%20Jan%202015.pdf>