



Private Fostering – Information for Health, Education and Social Care Professionals

Many people look after other people's children for a night or a weekend. But if a child is living with someone who is not their immediate relative for more than 28 days, it may mean that child is being privately fostered.

The Children Act 2004 requires parents and private foster carers to inform Children's Services about the children they are caring for before the arrangement begins, but this does not always happen.

What is considered to be private fostering?

Private fostering is when a child under the age of 16, or 18 if disabled, is living with someone other than their parent or other person with parental responsibility or a close relative for 28 days or more. A close relative would be a brother or sister, uncle, aunt, grandparent or step-parent.

- An occasional weekend spent by the child at home with their parents would not constitute a break in the arrangements
- Private fostering is not arranged or paid for by a local authority. Children cared for under these arrangements are not classed as looked after by a local authority
- It is an arrangement made by the parents of a child and requires parental consent. If parents do not agree to it, the arrangement is not private fostering, although the local authority has a duty to assess the situation
- Some teenagers choose to live with another family. This is a private fostering arrangement by agreement between the young person, the parents and the carer
- Some young people at independent and language schools stay with host families. If the period exceeds 28 days then it counts as a private fostering arrangement and follows the same regulations.

The legal position

In ensuring that the arrangement is in the child's best interests, Children's Social Care must follow the private fostering regulations in Part IX and Schedule 7&8 of the Children Act 1989 as amended by S44 of the Children Act 2004.

Children's Social Care must be made aware of any private fostering arrangements so that they can make sure that the child is being cared for in a safe and suitable environment. To do this, it relies on information from parents, carers and professionals working in health and education.

The responsibilities of parents and carers

- The child's parents, foster carers and anyone else indirectly involved in arranging the placement should tell the local authority of the proposed arrangement no earlier than 13 weeks or later than 6 weeks before it begins
- If the arrangement is made in an emergency, then parents and carers should notify Children's Social Care within 48 hours of the start of the placement
- Parents remain responsible for the child's welfare, including the financial support of the child, throughout the duration of private foster care. The carer looks after the child on behalf of his or her parent
- Private foster carers are responsible for carrying out any duties agreed with the child's parents. Parents and carers are advised to sign a written agreement so that arrangements are open and clear
- Parents must give written agreement to the carer to allow them to sign a medical consent form in case of emergency
- The length of time a private fostering arrangement is expected to last should be made clear. Any carer who looks after someone else's child for 3 years or more could apply for a Residence Order, which will affect the rights of the parents.

The Role of Children's Social Care

- Children's Social Care does not approve private foster carers. However a social worker must assess the suitability of the arrangement to ensure it is in the best interests of the child. This includes carrying out police and health checks for all adult members of the family, and considering whether the arrangement is suitable
- Children's Social Care can set out requirements about the arrangements, for instance about the accommodation, for contact with parents, or ensuring the child's racial, cultural and religious needs are being met
- A representative of Children's Social Care must make regular visits to the carers and the child to ensure the arrangements remain in their best interests and to offer advice and support to the carers
- Children's Social Care can stop a carer from privately fostering if there are concerns about the care or the accommodation.

The role of other organisations

Private fostering includes arrangements made by organisations for a child under 16, or 18 if the child is disabled, to stay with a family they are not closely related to for 28 days or more. This includes, for example, arrangements made by independent or

language schools for children in school holidays exceeding 28 days. It does not include children at boarding schools or in hospital.

Ideally, parents and carers should tell Children's Social Care that they are privately fostering. However education, health and social care professionals can also play an important role in identifying these arrangements and getting awareness across to parents and carers who may be unaware of what is expected of them.

If you know that a child is being privately fostered, you should consult the family as soon as possible, unless you have reason to think the child is at risk of significant harm, and consulting the family would increase that risk.

When the family has been consulted, the Local Authority must be told about the arrangement, whether or not the family have given their consent. You may be helping to secure the welfare of the child.

Contact for organisations:

To inform Somerset Children's Services about private fostering arrangements, please phone Somerset Direct on 0300 123 2224.

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