

Report of the Director of Children's Services

Report to Scrutiny Board (Children and Families)

Date: 23rd August 2012

Subject: Inquiry into Private Fostering (Main report)

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

1.0 Purpose of this report

1.1 This report provides written evidence to the Scrutiny Board enquiry in relation to this Inquiry into Private Fostering.

2.0 Background information

2.1 At its meeting on the 20th of June 2012, the Scrutiny Board resolved to undertake an Inquiry into Private Fostering as there was considerable concern about how private foster care arrangements are identified by Leeds City Council and how children and young people party to a private arrangement are safe and protected.

2.2 The purpose of the Inquiry is to make an assessment of and, where appropriate, make recommendations on the following areas:

- Communication about private fostering arrangements
- Regulation of private foster carers
- Safeguarding vulnerable children and young people

2.3 This report provides written evidence on behalf of the Director of Children's Services. In completing this report specific reference has been made to the terms of reference of the Scrutiny Board Inquiry into Private Fostering.

3.0 Main Issues/Evidence

3.1 Definition and Legal Context

- 3.1.2 A privately fostered child is a child under 16 (or 18 if disabled) who is cared for by an adult who is not a parent, grandparent, aunt, uncle, step parent, sister or brother where the child is to be cared for in that person's home for 28 days or more and has been arranged without the involvement of the local authority.
- 3.1.2 The legislation relevant to private fostering is set out in part nine of, and schedule eight to, The Children Act 1989, and regulations made under part nine of that act. Statutory instrument The Children (Private Arrangements for Fostering) Regulations 2005 and the National Minimum Standards for Private Fostering provide the framework for delivering services in relation to private fostering.

3.2 National and Local Statistics

- 3.2.1 Nationally, private fostering is known to be under reported. The introduction of the Fostering Regulations 2005 and Minimum Standards were intended to improve the reporting of such arrangements, but in practice there has been little change. The Report of the DCSF Advisory Group on Private Fostering, 'No simple answers' identified a number of reasons for this including complexity and diversity of arrangements: a grandmother looking after a child for two months whilst a parent receives medical treatment is not privately fostering; a best friend of the parent, well known to the child, providing the same support is. In many cases parents, carers and professionals are unaware that an arrangement is a private fostering.
- 3.2.2 Local authorities are required to report to the government on the number of private fostering arrangements they have been informed of and are currently supporting. Table 1 shows that since 2009 there has been a small increase in the number of private fostering arrangements. However estimates of the true total number of private fostering arrangements in the UK vary from 2,000 to 5,000.

Date	Number of private fostering arrangements	
	National	Leeds
31-03-2008	1330	7
31-03-2009	1530	7
31-03-2010	1590	10
31-03-2011	1649	10

Table 1

- 3.2.3 Comparator statistics are only available for year ending 2010. In 2010 comparison with Core Cities (our nearest neighbours in terms of size) indicates that Sheffield and Birmingham had identified 20 private fostering arrangements and Manchester 15, in the same year we had identified 10. However, following the implementation of new arrangements in Leeds, as discussed below, in the year ending March 2012, 15 private fostering arrangements were being supported..
- 3.2.4 Private fostering arrangements are often highly temporary. National statistics indicate that in the year ending March 2011, 2308 new private fostering arrangements began and 2332 ended. In the same period, 61% of privately fostered children were born in the UK, a decrease of 5% on 2010 figures. By far the largest majority of children (68%) who are privately fostered are children over the age of 10 and only 6% are children under 4 years.

- 3.2.5 The figures for Leeds children known to be privately fostered remain overall low and fluctuate month by month as children move in and out of private fostering arrangements or reach the age of 16 years (or 18 years for children with a disability) when the requirement to monitor placements made under private fostering arrangements ceases. 9 children have ceased to be privately fostered since May 2011. Of these 3 returned to their mother, 3 reached 16, 1 was adopted and 2 ended before the assessment was started.
- 3.2.6 As mentioned previously there has been an increase in overall numbers with 15 children being identified as privately fostered the last financial year compared to 10 children in the previous 2 years and 7 in 2008. 6 of the children are aged 15 or over, 5 are between 10 and 14 years old, 3 are aged 5 to 9 and one child is aged 2 years.

3.3 Responsibilities of parents and carers

- 3.3.1 Any parent proposing to have their child looked after by someone other than a close relative for more than 28 days, or a carer who is proposing to look after someone else's child who is not a close relative, should notify the local authority at least six weeks before the arrangement is due to begin. This is known as a proposed arrangement.
- 3.3.2 Where a private fostering arrangement is already in place, for example where a planned short stay goes beyond 28 days or where carers become aware that they are privately fostering, or in situations where a child is placed in an emergency the carer or parent should tell the local authority within 48 hours of the child going to live with the carer.
- 3.3.4 The private foster carer becomes responsible for providing the day to day care of the child in a way which will promote and safeguard his or her welfare.
- 3.3.5 However, overarching responsibility for safeguarding and promoting the welfare of the privately fostered child remains with the parent.
- 3.3.6 The carer or parent should notify the local authority immediately about any change in circumstances, including if the child changes address, someone living in the household is convicted of an offence, or someone joins or leaves the household.

3.4 Responsibilities of local authorities

- 3.4.1 Children who are privately fostered are not looked after children. Responsibility of the care remains with their parent. However, local authorities have a legal duty under the Children Act 1989 to satisfy themselves that the welfare of children who are privately fostered within their area is being adequately safeguarded and promoted and to provide advice to parents and private foster carers.
- 3.4.2 Section 44 of the Children Act 2004 extended these duties to include children who are proposed to be, but not yet, privately fostered.
- 3.4.3 Where the local authority is informed of a proposed or existing private fostering arrangement it must undertake an assessment of the suitability of the arrangements for the child. This assessment should be undertaken by a social worker

The assessment will include

- ensuring that the intended duration is understood and agreed between the parent and private foster carer;
- the wishes and feelings of the child;
- that the children’s physical, intellectual, emotional and social and behavioural development is appropriate and satisfactory;
- that the financial arrangements are agreed and/or are working;
- the private foster carers capacity to look after the child and the suitability of other members of the household and premises (Criminal Record Bureau checks on everyone over 16 in the household);
- that appropriate arrangements have been made for the child’s health, including GP registration;
- the appropriate arrangements are in place for the child’s education;
- that standards of care are understood, agreed and satisfactory;
- how day to day decisions about the child will be made;
- contact arrangements;

3.4.4 Where private fostering arrangements are made by parents residing outside of the UK, every effort is made to contact them to confirm parental consent to the placement.

3.4.5 Where there is no one exercising parental responsibility for a child, consideration is given to initiating care proceedings and transferring parental responsibility to the local authority.

3.4.6 Where the decision is taken that the arrangements are suitable a social worker will visit the child every 6 weeks during the first year and then every 12 weeks thereafter.

3.4.7 The social worker’s role is to promote the welfare of the child and to check that the arrangements are still suitable. The social worker will also provide advice and support to the carers and the parents and will maintain a case record. The social worker should make sure the child’s racial, cultural, linguistic and religious needs are being met.

3.4.8 The social worker should see the child alone on each visit and will write a record of each visit. If there are any changes in circumstances the private foster carer should inform the social worker. The social worker needs to make sure that the child continues to be looked after properly and provide help and advice to the carers as required.

3.5 Safeguards for privately fostered children

3.5.1 It is recognised that children placed in private foster arrangements are vulnerable if professionals and agencies working with the child are unaware of their situation and circumstances and therefore unable to assess the suitability of the arrangements and monitor the child’s welfare. It should be noted that Victoria Climbié was in a private fostering arrangement that had not been notified or identified. Lord Laming’s inquiries and the subsequent publication of Every Child Matters led to legislative

changes through the Children Act 2004. Section 44 of the Act placed a duty on local authorities to promote public awareness of the notification requirements. The Act also introduced additional duties for local authorities, including appointing a private fostering officer responsible for monitoring compliance with the notification system and ensuring that private fostering is among the areas to be addressed by Local Safeguarding Children Boards.

- 3.5.2 Research and information from other authorities has highlighted that in the majority of cases local authorities are notified of private fostering arrangements by professionals involved with the child, parents or carers. The Children (Private Arrangements for Fostering) Regulations 2005 clearly states that education, health and other professionals have a duty to notify the local authority of a private fostering arrangement that comes to their attention if they are not satisfied that the parent or carer has notified the local authority. Working Together to Safeguard Children 2010, states in chapter 11.24 “All professionals working with children have an important role in relation to safeguarding privately fostered children”.
- 3.5.3 Where an assessment identifies concerns there are a number of actions that the local authority may take.
- 3.5.4 Carers can be **disqualified from privately fostering** a child if they have been convicted of any offence involving a child, they have had a child removed from their care by a court or local authority, have had their registration as a childminder refused or cancelled, have been prohibited from privately fostering a child or been disqualified from acting as a foster carer.
- 3.5.5 The local authority can **impose requirements** on private foster carers including limiting the number of children who can be privately fostered (this should not be more than three) and on the standard of accommodation.
- 3.5.6 The local authority has the **power to prohibit** a person from privately fostering where that person is not suitable, where the accommodation is not suitable, where the child’s welfare would be harmed, where someone has been convicted for offences against children or where the care of the child is unsatisfactory. Any prohibition must be made in writing and the carer does have the right of appeal to the Family Proceedings Court within 14 days.

3.6 Private Fostering Service in Leeds

- 3.6.1 An inspection of the Leeds City Council private fostering service by Ofsted in September 2008 judged the service as ‘inadequate’. In response to these findings work was undertaken to improve and strengthen the service.
- 3.6.2 The Statement of Purpose and Function for the Private Fostering Service was amended and the Statement is now reviewed annually to ensure that it remains fit for purpose.
- 3.6.3 Policies and procedures were updated and are accessible to all social work staff and managers. Awareness of the new arrangements has been disseminated through management meetings to ensure that all staff understand private fostering and are aware of their responsibilities in relation to such arrangements. New arrangements have been put in place in the Fostering Service to support the

children's social work teams in identifying and managing private fostering arrangements.

- 3.6.4 The Ofsted inspection noted that the local authority had implemented a number of strategies to promote and increase awareness of private fostering and identified good progress. However, given the importance of public awareness of private fostering, an emphasis has been placed on communications. A new worker has been identified within the kinship care team to take forward the work on raising awareness about private fostering and to take forward the communications strategy. The Child Friendly City Initiative will also be used as a way of increasing public awareness of private fostering. There are indications that the new arrangements have supported an increase in the identification and reporting of private fostering arrangements as the number of private fostering arrangements being supported has risen from 10 to 15.
- 3.6.5 Monitoring of service provision was identified as an area for improvement in the Ofsted inspection. This has proven to be difficult to address the current electronic social care recording system (ESCR) does not have the necessary fields to assist in performance monitoring or data collation. An interim solution has been developed and private fostering recording and reporting requirements have been included in the tender requirements for the new system.
- 3.6.6 Leeds is committed to supporting children to remain within their families and communities wherever possible. It is anticipated that initiatives such as Family Group Conferencing will increase the number of kinship and extended family placements. Children's Services recognise the importance of supporting these arrangements and the Family Placement Service has been strengthened. This includes two new posts within the Fostering Service to focus on private fostering. These posts are based within the Kinship Care team and are responsible for:
- assessments of private fostering arrangements
 - support and advice to social workers
 - maintenance and development of the communication plan
 - training support and guidance to social work staff and other professionals
 - development of a framework to identify and improve outcomes for children in private foster care
- 3.6.7 The children's social work service was restructured into locally based social work teams working within identified clusters and communities and specialist looked after children's social work teams. It is anticipated that these new arrangements will support improved local relationships with partner agencies and strengthen links with communities. These networks will be used to raise awareness of private fostering. The locality teams will be responsible for providing support to children in private fostering arrangements. The new workers within the Kinship Care team will provide assistance and advice to the children's social work teams.
- 3.6.8 All cases where a child is privately fostered are subject to a case file audit which identifies any actions that are required in relation to an individual child but also themes for practice and service development for further improvement.

3.6.9 To provide external scrutiny of local authority arrangements and services in relation to private fostering Children's Services reports annually to the Leeds Safeguarding Children Board. The Board has also been very supportive in raising awareness of private fostering in agencies.

4.0 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Where we are aware of private fostering arrangement Children's Services makes every effort to consult and engage with parents, carers and the child. Children in a private fostering arrangement will be seen alone as part of the assessment and statutory visiting arrangements. The views of the child about the care they receive will be central to all decisions made in relation to their welfare.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The Equality Improvement Priorities 2011 to 2015 have been developed to ensure our legal duties are met under the Equality Act 2010. The priorities will help the council to achieve its ambition to be the best City in the UK and ensure that as a city work takes place to reduce disadvantage, discrimination and inequalities of opportunity.

4.2.2 Equality and diversity has been considered in completing this report and where an issue has been identified it has been highlighted in this evidence. Council policies and City Priorities

4.2.3 This inquiry will assist in achieving outcomes and priorities as defined in the Children and Young Peoples Plan 2011-2-15 and the Child Friendly City Priority Plan.

4.3 Resources and value for money

4.3.1 There are no resource or value for money implications relating to this report

4.4 Legal Implications, Access to Information and Call In

4.4.1 None

4.5 Risk Management

4.5.1 None

5.0 Conclusions

5.1 A privately fostered child is a child under 16 (or 18 if disabled) who is cared for by an adult who is not a parent, grandparent, aunt, uncle, step parent, sister or brother where the child is to be cared for in that person's home for 28 days or more and has been arranged without the involvement of the local authority.

5.2 Private fostering is complex and is not well understood by the public and some professionals.

- 5.3 A privately fostered child is not looked after. The private foster carer is responsible for providing the day to day care of the child in a way which will promote and safeguard his or her welfare. However, overarching responsibility for safeguarding and promoting the welfare of the privately fostered child remains with the parent.
- 5.4 The local authority has a legal duty under the Children Act 1989 to satisfy themselves that the welfare of children who are privately fostered within their area is being adequately safeguarded and promoted and to provide advice to parents and private foster carers. Where an arrangement is assessed as satisfactory the local authority will allocate the case to a social worker who will visit and speak to the child regularly to ensure that the arrangement continues to meet the child's needs.
- 5.5 Since 2008 considerable work has been undertaken to strengthen private fostering services in Leeds. This has led to an increase in notifications and work is ongoing to increase awareness and support for children in private fostering arrangements.

6.0 Recommendations

- 6.1 The Scrutiny Board (Children and Families) are invited to note the contents of this report.

7.0 Background documents¹

No simple answers: Report of the DCSF Advisory Group on Private Fostering 2008 – 2010

(<http://media.education.gov.uk/assets/files/pdf/n/no%20simple%20answers%20%20%20department%20advisory%20group%20report%20on%20private%20fostering.pdf>)

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.