

**Draft Scrutiny Inquiry Final Report  
Private Fostering  
17<sup>th</sup> January 2013**

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# Introduction and Scope

## Introduction and Scope

- 1 Leeds has an ambition to be a child friendly city by 2030. The methodology for delivering this vision is outlined in The Children and Young Peoples Plan which details five headline outcomes one of which is to ensure Children and Young People are safe from harm. The Child Friendly City priority plan states that in a child friendly city all children and young people would have their basic rights met by having a home, feel they have a reasonable standard of living and also be protected from harm.
- 2 On the 20 June 2012 the Scrutiny Board (Children and Families) considered the work programme for the year and determined that Private Fostering arrangements are a major concern and one of the key areas on which the Board would concentrate. We were extremely concerned that long term private foster care arrangements could be in place without the knowledge of the Local Authority. This presents a number of associated serious concerns including child exploitation, trafficking and a potential lack of support and care arrangements for both the child and the carer.
- 3 The Board determined that they would consider how private foster care arrangements are identified by Leeds City Council, the regulation of private foster carers and how children and young people party to a private arrangement are kept safe and protected.
- 4 Terms of reference for this inquiry were agreed on 26<sup>th</sup> July 2012 when we concluded that the purpose of the inquiry was 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
- 5 The Board conducted its inquiry on 23rd August 2012. We hope that our findings will contribute to achieving the aspiration of becoming a Child Friendly City and encourage positive change to enhance the safeguarding of children who are subject to a private fostering arrangement. We are very grateful to everyone who gave their time to participate in this inquiry. We would specifically like to thank Judy Bedford from the National Society for the Prevention of Cruelty to Children (NSPCC) and Savita de Souza from the British Association for Adoption and Fostering (BAAF) for their contribution to the inquiry.
- 6 The NSPCC protects children across the UK. The organisation run's a wide range of services for both children and adults, including national helplines and local projects. BAAF is a registered charity which provides support and advice whilst campaigning for better outcomes for children in care. They work with everyone involved with adoption and fostering across the UK, providing services to meet the needs of some of the UK's most vulnerable children and young people. The involvement of both organisations to this



# Introduction and Scope

Scrutiny inquiry was both informative and valuable.

## Anticipated Service Impact

- 7 Our recommendations require a number of improvement measures. Such measures could necessitate additional resources, the cost of which may be required from existing budgets.

## Equality and Diversity

- 8 The Equality Improvement Priorities 2011 to 2015 have been developed to ensure that the council meets its legal duties under the Equality Act 2010. The priorities will help the council to identify work and activities that help to reduce disadvantage, discrimination and inequalities of opportunity to achieve its ambition to be the best city in the UK.
- 9 Equality and diversity issues have been considered throughout this Scrutiny Inquiry. The evidence submitted and the topics debated in this inquiry have highlighted that children from some faith and culture groups are more likely to be involved in a private fostering arrangement without Local Authority knowledge or support. Further specific information is detailed later in the report.
- 10 Where a Scrutiny Board has made recommendations and these are agreed, the individual, organisation or group responsible for implementation or delivery should give due regard to equality and diversity and where appropriate an equality impact assessment will be carried out



# Conclusions and Recommendations

## When is a child privately fostered?

1. Membership of the Children and Families Scrutiny Board is diverse, comprising of twenty members, representing a number of communities and organisations with significant experience of working with families and young people<sup>1</sup>. We were therefore collectively surprised at how little we knew and understood about private fostering. In order to promote our understanding we watched a short film produced by the British Association for Adoption and Fostering (BAAF)<sup>2</sup> 'Caring for someone Else's Child: A film about private fostering'. The film provided in insight into the real life experiences of children, parents and carers who are involved in a private fostering arrangement.
2. We learned that that the definition of 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. The child is to be cared for in that person's home for 28 days or more and this has been arranged without the involvement of the local authority.
3. We were advised that 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.
4. It was also clarified to us that 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.
5. Where a private fostering arrangement is already in place, for example where a planned short stay goes beyond 28 days, 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. This information highlights to us that a strong regulatory framework is already in existence for reporting a private fostering arrangement.
6. As a Scrutiny Board we have significant anxieties about the reliance on parents, carers and organisations external to the Council to identify a private fostering arrangement. We are particularly concerned that there could be a significant number of privately fostered children in Leeds that we are completely unaware of, which is detailed more extensively later in this report
7. We acknowledge however that private fostering can be a very positive experience. We were advised that

<sup>1</sup> See page 14 for list of members undertaking the inquiry

<sup>2</sup> The BAAF website, <http://www.privatefostering.org.uk/> provides comprehensive information to assist private foster carers, children and young people and professionals



# Conclusions and Recommendations

kinship care<sup>3</sup> has good and better outcomes than long term fostering, where proper assessment and support is in place, the carer is suitable and the residence is suitable. The ultimate aim is to re-unify the children with their parents and Social Workers support this process.

- 8 The report 'No Simple Answers'<sup>4</sup> also highlights the positive nature of private fostering. *'The children at greatest risk of poor parenting are those whose families are afflicted by alcohol and substance abuse, domestic and family violence, dysfunctional relationships and mental health problems. Frequently private fostering arrangements safeguard teenagers from the continuing effects of these problems- accommodating and caring for the young people who would otherwise be on the streets.'*

## Leeds – Local Authority responsibility and Service Provision

- 9 We were advised that responsibility for the care of a privately fostered child 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, or are proposed to be privately fostered within their area is being adequately safeguarded and promoted. In addition local authorities have a duty to provide advice to parents and private foster carers.

- 10 Where the local authority is informed of a private fostering arrangement it must undertake an assessment of the suitability of the arrangements for the child. 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 to ensure that the arrangements are still suitable.
- 11 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. The next 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.
- 12 Information contained in the Leeds Safeguarding Children Board (LSCB) Annual Report<sup>5</sup> caused concern at our meeting in October 2012. It stated that *'Private fostering arrangements in Leeds were inspected in September 2008 and were judged to be inadequate. In January 2011, the service was independently reviewed and a further action plan developed. Some progress was made in all aspects of the plan. However, further internal auditing of the service indicated a significant lack of*

<sup>3</sup> Definition of Kinship care - is the full time care, nurturing and protection of children by relatives, members of their tribes or clans, godparents, stepparents, or any adult who has a kinship bond with a child. This definition is designed to be inclusive and respectful of cultural values and ties of affection. It allows a child to grow to adulthood in a family environment. Source [http://www.opm.gov/employment\\_and\\_benefits/worklife/officialdocuments/handbooksguides/kinshipcare/index.asp](http://www.opm.gov/employment_and_benefits/worklife/officialdocuments/handbooksguides/kinshipcare/index.asp)

<sup>4</sup> No Simple Answers: Report of the Department for Children Schools and Families (DCSF) Advisory Group on Private Fostering 2008 – 2010, Chaired by Mary MacLeod OBE, March 2010.

<sup>5</sup> Published July 2012, David Radford para 4.94 and 4.95



# Conclusions and Recommendations

*compliance with requirements.* The report also states that since the audit an updated action plan has been created which will address the issues.

13 We wanted to clarify if sufficient progress has been made since the results of the LSCB audit. Officers from Children’s Services advised us that in their view progress has been made. Policies and procedures have been updated and made accessible to all social work staff and managers. Awareness of the new arrangements has been disseminated through management meetings to ensure that all relevant staff in Children’s Services understand private fostering and are aware of their responsibilities.

14 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. This includes two new posts in the Kinship Care team, who are responsible for assessing private fostering arrangements and providing support and advice to social workers.

15 We are partly reassured that the LSCB have identified privately fostered children as a priority group for 2012/13 and have stated their intention to monitor the progress made by Children’s Services against the updated action plan. We would like to see private fostering remain a priority on the LSCB agenda, particularly in raising awareness and request that the LSCB progress monitoring results are reported to the Scrutiny Board.

**Recommendation 1** – That the LSCB advises the Scrutiny Board in July 2013 of the progress made by Children’s Services against the updated action plan.

16 Reassuringly we were advised by BAAF that Leeds is sharing and looking at models of good practice with regard to service delivery, with representatives of Children’s Services regularly attending the private fostering meetings facilitated by BAAF.

## Sources of Information and Notification

17 It was highlighted to us that nationally private fostering is known to be under reported. There are number of reasons for this including the complexity and diversity of arrangements. In many cases parents, carers and professionals are unaware that an arrangement is a private fostering arrangement.<sup>6</sup>

18 The table below shows that since 2009 there has been a small increase in the number of known private fostering arrangements.

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

19 Comparator statistics for year ending 2010 with Core Cities indicates that Sheffield and Birmingham had identified 20 private fostering arrangements and

<sup>6</sup> As reported in No Simple Answers: Report of the DCSF Advisory Group on Private Fostering 2008 – 2010, Chaired by Mary MacLeod OBE, March 2010.



# Conclusions and Recommendations

- Manchester 15. In the year ending March 2012, 15 private fostering arrangements were being supported in Leeds.
- 20 It was brought to our attention that the DCFS commissioned a British Market Research Bureau omnibus survey. This consisted of a representative sample of 1,800 adults and was conducted between 25<sup>th</sup> February and 3<sup>rd</sup> March 2010. It was found that the proportion of adults who have privately fostered a child or been privately fostered themselves as a child were both 3%<sup>7</sup>. This highlights to us that private fostering is happening on a much greater scale and that the figures not only in Leeds but nationally are significantly under reported. This caused us great concern as there evidently must be children who are privately fostered and not known to the authority.
- 21 We were advised that 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. The Children (Private Arrangements for Fostering) Regulations 2005 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.
- 22 Considering that the Scrutiny Board lacked awareness of private fostering prior to the inquiry and the seemingly low notification rate we wanted to clarify if enough is being done to raise awareness with parents, carers and particularly with organisations who come into regular contact with children. Whilst we acknowledge that in some circumstances adults will have unacceptable motives for keeping children hidden, we believe that significant under reporting may be brought about by ignorance.
- 23 We were advised that there has been some awareness raising work undertaken particularly with education based services. An officer within the kinship care team has been given the responsibility to progress the work on raising awareness and to deliver a communications strategy. We were also advised that the Child Friendly City Initiative will also be used as a way of increasing public awareness of private fostering. In addition locally based social work teams working within identified clusters and communities will also be utilised and work is being undertaken with Children's Centre Managers.
- 24 With regard to organisations external to the Local Authority we were advised that there had been some conversations with the UK boarder agency in order to identify and safeguard those children who could be trafficked. Information has been displayed in hospitals and GP surgeries for the general public to view.
- 25 The representative from BAAF recommended that the council should specifically target health, third sector and education professionals in order to raise awareness.
- 26 The representative from the NSPCC added that the NSPCC would support

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<sup>7</sup> As reported in No Simple Answers: Report of the DCSF Advisory Group on Private Fostering 2008 – 2010, Chaired by Mary MacLeod OBE, March 2010.





# Conclusions and Recommendations

local authorities in any drive to publicise private fostering arrangements and reinforced the emphasis on the role of organisations in identifying children who are privately fostered.

27 We feel that there is scope for a significant expansion in communication and awareness raising within Leeds City Council but more importantly professionals external to the Local Authority such as G.P's, Police Officers and third sector employees. This could be achieved by providing direct guidance, education and training in private fostering in addition to providing publicity material such as leaflets and posters. A list of suggested organisations has been identified by the DSCF advisory group and which is detailed in appendix 1.

**Recommendation 2** – That the Director of Children's Services commissions and implements a more extensive Private Fostering communication, training and education plan aimed at statutory, voluntary and commissioned services who come into contact with children. This should aim to deliver the necessary skills required to identify a private fostering arrangement, provide knowledge about their statutory responsibilities and referral routes in order to report a private fostering arrangement. An update of progress is required by the Scrutiny Board at the July 2013 meeting.

28 There was little evidence presented to us that suggested attention has been given to informing children and young people about private fostering. We feel that children should be provided with sufficient knowledge to enable them to identify if they are in a private fostering

arrangement and what to do if they feel they are at risk.

**Recommendation 3** – That the Director of Children's Services investigates how the information regarding private fostering can be disseminated effectively to young people in Leeds. This information should also advise them who they can speak to if they need help and support. An update of progress is required by the Scrutiny Board at the July 2013 meeting.

29 The BAAF representative advised us that in some faith and culture groups there is a strong sense of family responsibility and it is common to have extended families, such as 'aunties' or 'uncles' who are not blood relatives. Such communities are sometimes reluctant to notify local authorities due to the negative perceptions of using council services. We stressed the clear need to overcome barriers in communities to encourage private fostering arrangements to be reported. It was suggested that outreach workers could provide support and that work should be undertaken with community leaders and representatives from mosques and temples.

**Recommendation 4** – That the Director of Children's Services strengthen networks and lines of communication with religious leaders and community representatives in order to raise awareness about private fostering and the statutory requirement to notify the Local Authority. An update of progress is required by the Scrutiny Board at the July 2013 meeting.



# Conclusions and Recommendations

## Safeguarding Concerns and Managing Risk

30 Predominantly our major concern is the vulnerability of children placed in private foster arrangements where professionals and agencies working with the child are unaware of their situation and circumstances, or unaware of how to fulfil their statutory requirement. The high profile case of which we were reminded during the inquiry was that of Victoria Climbié who was in a private fostering arrangement which had not been identified. We were reassured that safeguarding nationally has improved considerably since, however we wanted to identify if more could be done to strengthen early involvement and proactive safeguarding in Leeds.

31 We also raised concerns about known cases where children from Leeds are privately fostered by someone who does not live in the area. We were worried that these children could easily become hidden. We were advised that there are some cross boundary functions and responsibilities where a Local Authority is aware of a private fostering arrangement. When Leeds Children's Services becomes aware that a private fostering arrangement is taking place in another area there is a duty to notify that authority. Local Authorities should also consider if the child would be better accommodated by the Local Authority in the area rather than allowing private fostering out of the authority area.

32 We wanted to clarify how we safeguard children against those who do not have legitimate private fostering intentions. In

addition we wanted to identify how we stop those who are disqualified from looking after children if no one notifies the authority. We were informed that in general once a Local Authority is aware of a child the necessary checks are undertaken and support is put into place. If someone is disqualified from private fostering then this information is shared with police and education authorities to raise awareness about that adult and minimise risk to other children.

33 It was highlighted to us that where an assessment identifies concerns there are a number of actions that the local authority may take.

- Carers can be disqualified from privately fostering
- 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.
- 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.

34 The Munro Review<sup>8</sup> recognises that risk and uncertainty are features of the system and that risk can never be eliminated but it can be managed better. It advocates trusting professionals and

<sup>8</sup> The Munro Review of Child Protection: Final Report, A Child - Centred System, May 2011 [http://www.education.gov.uk/munroreview/download/s/8875\\_DfE\\_Munro\\_Report\\_TAGGED.pdf](http://www.education.gov.uk/munroreview/download/s/8875_DfE_Munro_Report_TAGGED.pdf)



# Conclusions and Recommendations

giving them the scope to exercise their professional judgment in deciding how to help children, young people and their families. In addition it highlights the development of professional expertise to work effectively with children, young people and their families.

35 We feel that our recommendation (2) re-enforces this approach. By empowering those who have regular contact with children, such as practitioners in the health or police services, with the skills and knowledge to identify and report a private fostering arrangement we can minimise risk and be proactive in safeguarding children.

36 A further example of proactive risk management is in the Government's response to the Munro review which states that 'practitioners - such as teachers - who have everyday contact with children will be better placed to act when they have cause for concern. Well briefed and alert practitioners will, in future, be able to access professional expertise so that the right judgments can be made quickly on how to respond to concerns.'<sup>9</sup>

37 Organisations should also be made aware that their response in dealing with a family situation could potentially create a private fostering scenario out of necessity for example where an adult has been taken into custody by the Police Service or sectioned under the mental health act by Health practitioners.

38 Whilst we fully advocate the need to expand effective communication and training both within Leeds City Council and with our partners in the statutory, voluntary and commissioned sectors we also need to ensure that momentum is maintained and that awareness raising continues to be a priority.

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<sup>9</sup> A child-centred system, The Governments Response to the Munro review of child protection, July 2011, Department of Education.  
<https://www.education.gov.uk/publications/eOrderingDownload/Munro-Government-Response.pdf>



# Desired Outcomes and Recommendation Summary

**Desired Outcome** – That raising standards in providing support for Children and their Carers subject to a Private Fostering Arrangement remains a priority and that service delivery improvements are monitored.

**Recommendation 1** – That the LSCB advises the Scrutiny Board in July 2013 of the progress made by Children's Services against the updated action plan.

**Desired Outcome** – That every organisation in Leeds that has regular contact with Children, their families and Carers are aware of their statutory responsibilities, are in a position to identify if a private foster care arrangement is in place or likely to arise and are fully aware of the referral routes and key contacts so that cases can be reported.

**Recommendation 2** – That the Director of Children's Services commissions and implements a more extensive Private Fostering communication, training and education plan aimed at statutory, voluntary and commissioned services who come into contact with children. This should aim to deliver the necessary skills required to identify a private fostering arrangement, provide knowledge about their statutory responsibilities and referral routes in order to report a private fostering arrangement. An update of progress is required by the Scrutiny Board at the July 2013 meeting.

**Desired Outcome** – That children in Leeds are aware of Private Fostering and how they can seek help and support should they need it.

**Recommendation 3** – That the Director of Children's Services investigates how the information regarding private fostering can be disseminated effectively to young people in Leeds. This information should also advise them who they can speak to if they need help and support. An update of progress is required by the Scrutiny Board at the July 2013 meeting.

**Desired Outcome** – To raise awareness of Private Fostering arrangements with faith and community groups.

**Recommendation 4** – That the Director of Children's Services strengthen networks and lines of communication with religious leaders and community representatives in order to raise awareness about private fostering and the statutory requirement to notify the Local Authority. An update of progress is required by the Scrutiny Board at the July 2013 meeting.



### **Monitoring arrangements**

Standard arrangements for monitoring the outcome of the Board's recommendations will apply.

The decision-makers to whom the recommendations are addressed will be asked to submit a formal response to the recommendations, including an action plan and timetable, normally within two months.

Following this the Scrutiny Board will determine any further detailed monitoring, over and above the standard quarterly monitoring of all scrutiny recommendations.

### **Reports and Publications Submitted**

- Leeds Safeguarding Children Board Annual Report 2011/12 – David Radford
- No Simple Answers: Report of the Department for Children Schools and Families Advisory Group on Private Fostering 2008 – 2010, Chaired by Mary MacLeod OBE, March 2010.
- Report of the Head of Scrutiny and Member Development – Scrutiny Inquiry into Private Fostering (Cover Report) 23<sup>rd</sup> of August 2012
- Report of the Director of Children's Services – Inquiry into Private Fostering (Main Report) 23<sup>rd</sup> of August 2012
- DVD - Caring for someone Else's Child: A Film about private fostering – BAAF
- The Munro Review of Child Protection: Final Report, A Child - Centred System, May 2011
- A child-centred system, The Governments Response to the Munro review of child protection, July 2011, Department of Education.



### **Witnesses Heard**

- Councillor Judith Blake, Executive Member (Children and Families) and Chair of the Children's Trust Board
- Steve Walker, Deputy Director Children's Services, Safeguarding, Specialist and Targeted Services
- Valerie Hales, Children's Services Fostering and Adoption.
- Savita de Souza – British Association for Adoption and Fostering
- Judy Bedford – NSPCC.

### **Dates of Scrutiny**

23<sup>rd</sup> of August 2012 – Main Inquiry

Present

Cllr Judith Chapman – Chair of Scrutiny Board

Cllr Alan Lamb

Cllr Pat Latty

Cllr Mohamed Rafique

Cllr Asghar Khan

Cllr Alex Sobel

Cllr Caroline Gruen

Cllr Arif Hussain

Cllr Bill Urry

Mr E A Britten

Mrs S Hutchinson

Mrs J Ward

11<sup>th</sup> of October 2012 – Leeds Safeguarding Children Board Report



# Appendix 1

## DCSF Advisory Group – List of suggested organisations

- CAFCASS
- Charities using host families
- Community Psychiatric Nurse
- Education staff (including Education Welfare Officers, Educational Psychologists, schools admissions staff)
- Foreign and Commonwealth Office
- Football clubs/training academies
- Guardianship organisations
- Home Office
- Housing
- Language schools
- Looked after children's education (LACE) workers
- Missing from home team
- Naval Welfare Service
- Other local authorities
- Police
- Prison Service
- Probation
- Travellers worker
- UK Border Agency
- Youth Justice

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**Scrutiny Board (Children and Families)**  
**Private Fostering**  
**17<sup>th</sup> January 2013**  
**Report author: Sandra Newbould**

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