

# Private Fostering Services Statement of Purpose

Updated March 2014

**It is the responsibility of the whole community  
to ensure the safety of children.**

Introduction



This document is a description of private fostering arrangements within the London Borough of Tower Hamlets and is separate from Fostering Services' Statement of Purpose 2009. This Statement of Purpose is designed to meet the needs of the National Minimum Standards for Private Fostering, Standard 1, and to provide a clear guide of the service for professionals, the public, council members and external organisations.

This document will describe private fostering arrangements, the assessment processes and the support and advice offered to private foster carers, privately fostered children and their parents within the London Borough of Tower Hamlets.

Any comments or enquiries regarding this Statement of Purpose should be passed to the Service Manager, Family Support and Protection, Moksuda Uddin on 020 7364 6218 or by email to moksuda.uddin @towerhamlets.gov.uk

## **Regulation**

Tower Hamlets' private fostering service is regulated by Ofsted. Their contact details are:

London Borough of Tower Hamlets' private fostering service is based at Mulberry Place, 5 Clove Crescent, London E14 2BG. Children's Social Care is committed to maintaining high standards in relation to private fostering service provision and to reviewing this on a continual basis.

The London Borough of Tower Hamlets holds statutory powers and responsibilities as a local authority in relation to private fostering arrangements.

The service works to ensure that equal opportunities are incorporated into all aspects of service delivery and all prospective private foster carers are assessed and supported on the basis of the needs of the individual privately fostered child/young person regardless of race, religion, class, marital status, sexual orientation or disability.

Private fostering services are located within Children's Social Care, a division of Children, Schools and Families, and is headed by the Corporate Director of Children, Schools and Families. The private fostering service is managed by the Service Manager, Family Support and Protection, and consists of a team manager, four private fostering social workers, one family support worker and the private fostering panel administrator. Private fostering development work is also undertaken by two workers within the Child Protection and Reviewing Service. The five private fostering workers are managed by the Team Manager and Practice Manager for Private Fostering and the three Development Workers are managed within the Child Protection and Reviewing Service.

In the absence of the Private Fostering Team Manager, day to day issues can be advised on by the Service Manager, Family Support and Protection.

### **1. Legal definition of a privately fostered child**

In the definition provided by The Children Act 1989, a privately fostered child means:

A child, under the age of 16 (under 18 if disabled) who is cared for, or proposed to be cared for, and provided with accommodation by someone other than:

- A parent of his/hers;
- A person who is not a parent of his/hers but who has parental responsibility for him/her;
- A close relative of his/hers, i.e. a close relative **is** an aunt/uncle/step-parent/grandparent/sibling but **not** a cousin or great-aunt/uncle
- And she/he has been cared for and accommodated by that person; for 28 days or more; or
- The period of actual private fostering is less than 28 days but the private foster carer intends to privately foster him/her for a period of 28 days or more.

In the case of a child with a disability the upper age limit is 18 years.

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

- Had done so for a period of less than 28 days;
- Does not intend to do so for any longer than 28 days.

For the purposes of the Act, parent includes unmarried or putative father. Relative means as above stated, (as defined by Section 105 of The Children Act 1989 as amended by Section 75 of The Civil Partnership Act 2004), whether by full, half-blood or by affinity or step-parent. Affinity refers to the relationship resulting from marriage, between the husband and the blood relations of the wife and also between the wife and the blood relations of the husband.

An arrangement is deemed as private fostering if it meets the criteria above whether for reward (monetary or otherwise) or not.

Some common examples of private fostering arrangements include: children/young people with families overseas; black and ethnic community children/young people with parents working or studying in the UK; trafficked children/young people and asylum seekers and refugees; children/young people living with host families for a variety of reasons, i.e. attending language schools, undergoing medical treatment etc.

## **2. The local authority's duties and functions under the Children Act 1989 and The Children (Private Arrangements for Fostering) Regulations 1991.**

Local authorities have a duty to be notified about private fostering arrangements in their area and to satisfy themselves that the welfare of children who are privately fostered in their area is safeguarded and promoted and to ensure that such advice is given to those caring for them as appears to the authority to be needed (The Children Act 1989 Section 67(1)). Broadly the duties fall into three types of activity:

- Giving and receiving notifications
- Ascertaining the suitability of private foster carers and their households
- Monitoring arrangements through visits and written records of visits

**3. New duties under: The Children Act 2004, The Children (Private Arrangements for Fostering) Regulations 2005 and Legal Judgements, (Southwark London Borough Council v D 2007, Sarah Jane Collins v Knowsley Metropolitan Borough Council 2008, and R (A) v Coventry City Council 2009.**

The new measures in the Children Act 2004 and the Children (Private Arrangements for Fostering) Regulations 2005 are intended to strengthen and enhance the existing private fostering notification scheme. Local Authorities are required to raise public awareness in their area of the requirements regarding notification of private fostering arrangements. Notifications must now be given to Local Authorities when a child/young person is proposed to be privately fostered as well as being privately fostered. This will enable local authorities to ensure that the welfare of privately fostered children/young people is being satisfactorily safeguarded and promoted by ongoing assessments and monitoring of arrangements within statutory timescales.

These new measures, along with the National Minimum Standards for Private Fostering, July 2005, focus all local authorities' attention on private fostering and require them to take a more proactive approach with partnership agencies and other professionals in identifying arrangements in their area. They are expected to improve notification rates and compliance within the existing legislative framework for private fostering and, therefore, to address the key problems identified with the former scheme. It is intended that these additional measures will improve the mechanisms for safeguarding children/young people in private fostering arrangements.

In compliance with recent case law precedents, the London Borough of Tower Hamlets will not be sufficiently involved nor play a major role in the organising or financing of private fostering arrangements. Further, the London Borough of Tower Hamlets will be clear and accountable regarding the status of all private fostering arrangements and how they are distinguished from other forms of foster and friends and family care.

**4. Training for relevant staff**

Training on private fostering will be provided within the Local Safeguarding Children's Board training programme and staff induction programme. There will also be specific briefings to targeted groups. Training will include information on the notification requirements, the assessment processes of the suitability of private fostering arrangements and will be based on the premise that the child/young person's best interests and welfare are paramount.

Training will be at different levels for different professionals and will cover different cultural child care practices and parenting styles. Relevant staff will further gain understanding and expertise in relation to private fostering through briefings at fieldwork away-days, managers' forums and conferences on private fostering.

**5. How awareness of the notification requirements will be promoted**

Awareness of the notification requirements will be promoted via information sharing by team members through letters and leaflets and display tables in community venues. Also workshops and conferences and information sessions with key

professionals, partnership agencies and members of the public, faith and community organisations and schools will routinely be undertaken. Publicity materials will contain information about the legal definition of privately fostered children/young people, the procedure for notifying the local authority, the benefits of notification and consequences of non-notification.

Publicity materials will be distributed to key access points, e.g. schools, libraries, one-stop shops, voluntary/community sector organisations and council offices. The information leaflets will contain the contact numbers of the private fostering social work team for privately fostered children, their parents, private foster carers and professionals to access. Publicity will be in the different languages of the local community.

More detailed information on activities and mechanisms employed in order to promote awareness is contained in *LBTH Private Fostering Communications' Strategy 2010*.

## **6. Assessment of the suitability of private foster carers and their household**

All privately fostered children/young people within the London Borough of Tower Hamlets will undergo a Private Fostering Core Assessment, which is inclusive of the domains and dimensions of *The Framework for the Assessment of Children in Need and their Families (2000)* and *Appendix 3 of London Borough Tower Hamlets' Protocol on Private Fostering Arrangements, 2010*. These Private Fostering Core Assessments will be completed and signed off, managerially, within 35 working days. All aspects of private foster carers' suitability including the suitability of their households will be assessed including DBS checks on all adult members of their household.

## **7. Advice/support and information available to private foster carers, parents/those with parental responsibility and privately fostered children**

A private fostering social worker will be allocated to each privately fostered child/young person and his/her contact details will be made available. The social worker will be responsible for working with and supporting each private foster carer/parent, others concerned and privately fostered children/young people. Information on the following will be provided. Private Fostering Children's Activity Days, Private Foster Carers' Support Groups and Conferences on Private Fostering will be routinely held. Publicity materials and information in different languages will be made available to private foster carers, parents and privately fostered children.

There will be two support group sessions per year for private foster carers offering them information and skills training on themes identified by them. All written information and Private Fostering leaflets in different languages are provided to the private foster carers, privately fostered children and their parents. Where a privately fostered young person reaches the age of 16 years, they will be presented with a *Post 16 Plus Information and Resource Pack* which will contain the contact details of key agencies that can be accessed for additional advice and support. In addition to the above, three activity days per year will be organised for privately fostered children/young people to partake in.

In addition to statutory visits, other visits when requested by privately fostered children/young people, their parents, and private foster carers will be undertaken. Interpreters who are independent of parents and private foster carers will be used where it is the request of the child/young person or where the preferred language is not English.

Private foster carers (including prospective private foster carers) will have access to advice on benefit entitlement, parenting strategies and techniques and other appropriate support as identified/requested.

Parents of proposed/current privately fostered children/young people will also be advised, if in the best interests of the child/young person, of other service provision or other agency help available which would remove the necessity for the child/young person to be privately fostered.

## **8. Ensuring the welfare of privately fostered children is safeguarded and promoted**

Children, Schools and Families will ensure that privately fostered children/young people's welfare is satisfactorily safeguarded and promoted by staff following *The London Borough of Tower Hamlets' Protocol on Private Fostering*, adhering to the new regulations on private fostering and by undertaking Private Fostering Core Assessments and completing these within 35 working days. These Core Assessments will subsequently be signed off by the private fostering team manager and practice manager. Core Assessments will then be presented to the Private Fostering Audit Panel. The service manager of the Family Support and Protection service will also act as the Agency Decision Maker and will be advised by panel members on agreeing private fostering arrangements or not, imposing requirements, prohibitions and refusal to consent to disqualified persons being private foster carers. The Private Fostering Audit Panel will meet quarterly and the Agency Decision Maker will make emergency decisions, as and when required, on any aspect of the private fostering process which is within the remit of Panel.

Private Fostering Core Assessments will include ensuring that the child/young person's physical, intellectual, emotional, social and behavioural development is satisfactory and needs arising from his/her religious persuasion, racial origin and cultural and linguistic background are being met. In addition, the core will include ascertaining the suitability of the accommodation and an evaluation of the parenting capacity of the prospective/current private foster carer.

Private foster carers will be given advice on the child/young person's individual needs, which may include advice on any medical condition or learning disability, in order to enhance their parenting capacity. Support services will be made available to private foster carers as identified by the Private Fostering Core Assessment. Private foster carers will also be encouraged to promote contact between the child/young person and his/her parents, siblings, extended family and significant others.

To further safeguard the welfare of privately fostered children/young people and ensure continuity and stability of care, Panel receives information and reports, which are governed by *The Quality and Standards' Guidance for All Panel Reports Document, December 2011*, as follows:

- Alternative Private Fostering Arrangements which the primary private foster carers have made from their extended family and friendship network, in the

event of them being ill or temporarily unavailable to provide care due to holiday commitments or other unexpected circumstances etc. This facilitates a privately fostered child/young person's sense of belonging to a wider family network to be preserved

- Educational attendance breakdown and academic progress within reports
- Private Fostering Discharge Reports
- Annual Reviews of existing Private Fostering Arrangements
- Prohibition/Disqualification Reports if needed
- Ongoing awareness raising activities, new initiatives and consequential notification rates
- Support and advice given to privately fostered children/young people, private foster carers, parents and others concerned

The Private Fostering Social Work Team will respond to notifications received and visit privately fostered children/young people within statutory timescales. Written reports will be completed following these visits on Framework I. In accordance with the Private Fostering Regulations written records will include conclusions drawn on the arrangement, whether the child/young person was seen alone (if not, why not), his/her wishes and feelings about the arrangement, any concerns raised and any relevant advice given.

All private foster carers will have DBS checks undertaken on them and this will be renewed every three years. All privately fostered children/young people will have a named private fostering social worker with their contact details and will be given publicity materials in relation to their age and understanding on what private fostering means. Those children/young people who have been deemed as 'children/young people in need' or 'disabled' whilst being privately fostered will be facilitated to undergo an adult community care assessment, as relevant before their 18<sup>th</sup> birthday.

Privately fostered children's welfare will further be promoted by an ongoing awareness campaign regarding the notification requirements which will be carried out within the Borough. To deliver this, partner agencies, voluntary/community sector, faith groups will all be made aware of the notification requirements and of their responsibility to safeguard and promote the welfare of privately fostered children/young people.

The Department will carry out internal file audits on a regular basis, and will implement a policy for the imposition of requirements, prohibitions and reviewing, disqualifications and appeals against these. Decisions regarding private foster carers committing offences, whilst caring for privately fostered children/young people, will be made in consultation with the police. Decisions regarding the latter powers will be made whilst bearing in mind the best interests of the individual child/young person.

Where child protection concerns are identified, a Section 47 investigation will be carried out following *The London Child Protection Procedures, 2010 and Working Together To Safeguard Children, 2010*.

## **9. The role of other agencies in safeguarding and promoting the welfare of privately fostered children, including encouraging notification**

In order to comply with the safeguarding and welfare promoting duties imposed on partner agencies and governmental bodies as enshrined in the Children Act 2004

and The Children and Young Persons Act 2008, they will be provided with information on their responsibilities regarding notification under the Enhanced Regulations 2005. Information materials will be sent to schools, faith groups, housing, health organisations,

To further promote the safeguarding of privately fostered children/young people, Tower Hamlets has adopted An audit Panel system. Panel membership consists of specialist practitioners in the following fields: Health, Education, Legal, Child Protection, Community Partnership and an Independent Member.

#### **10. How relevant staff will have an understanding of the Department's duties and functions in relation to private fostering**

The private fostering social work team will visit other departments within London Borough of Tower Hamlets and partner agencies, as appropriate, to inform them of the new guidance, safeguards and standards.

#### **11. How the Department will ensure that its duties and functions regarding private fostering are included in an induction and other training programmes and these are reviewed and evaluated annually in line with changes in legislation and guidance**

The LSCB will ensure that its duties and functions in relation to private fostering are included in the LSCB training plan and this will be reviewed annually by the Service Manager Family Support and Protection as chair of the private fostering panel ,and the LSCB Training Sub-Group in light of any changes in legislation, guidance and research best practice developments.

The evaluation of training programmes will be collated to ensure that the training meets the needs of the participants in terms of their duties and functions regarding private fostering.

All partner professionals will undergo induction and ongoing training programmes in relation to their duties and functions concerning private fostering and the LSCB training will include a component on these duties and functions.

#### **12. Monitoring the discharge of functions and compliance with part 9 of the Children Act 1989**

Under Regulation 12, the Service Manager, Family Support and Protection and the Private Fostering Audit panel , will monitor the way the Department complies with and discharges its statutory duties and functions in relation to private fostering. The panel will monitor compliance with the following duties and functions:

- The promotion of awareness raising regarding notification requirements.
- How the Department responds to notifications received and if these are within timescale.



- How the Department manages disqualifications, (refusal to consent to disqualified persons being private foster carers), prohibitions, requirements and appeals against these.
- How the Department exercises its functions under section 67(5), Children Act 1989.
- How the Department processes decisions regarding offences committed bearing in mind the best interests of the child/young person.
- How the Department assesses the parenting capacity of prospective or actual private foster carers, members of their households and the suitability of their accommodation.
- That statutory visits are within timescale and decisions about the suitability of arrangements are also within timescale and agreed at senior managerial level.
- That additional visits are made when requested by the child/young person, private foster carers, parents or those with parental responsibility.
- That written reports are made in accordance with the Regulations, i.e. recommendations on the arrangement, the child/young person seen alone, wishes and feelings of child/young person, contact and financial arrangements and any concerns raised.
- That advice and support is provided to private foster carers, parents/those with parental responsibility or any person concerned with the child/young person and recorded.
- That information and support is provided to privately fostered children/young people.
- That independent interpreters are used as appropriate.
- That a sample of child/young person's records/files are regularly audited to check that compliance with the Regulations is being fulfilled.
- That any concerns raised by privately fostered children/young people are investigated.
- That a system is in place recording the number and nature of enquiries received in relation to private fostering, the responses given and action taken.
- That privately fostered children/young people, carers, parents and others concerned are given a copy of the *London Borough of Tower Hamlets' Complaints Procedure* and given information on how to access their records/files.
- That an annual written report is provided to the Director of Children, Schools and Families and the Chair of the Local Safeguarding Children's Board, evaluating how the Department has safeguarded and promoted the welfare of privately fostered children/young people and how it has co-operated with partner agencies in achieving this.

### **13. Advice on private fostering**

This *Statement of Purpose* and *The Protocol on Private Fostering Arrangements* along with advice on private fostering can be obtained from the private fostering social work team on 020 7364 4945 or on London Borough of Tower Hamlets' website [www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

Advice and information about Private Fostering can be obtained from the Private Fostering Team Manager on telephone 020 7364 4945. View the [pledge](#) and be sure to tell us how we can improve.