

Bath & North East Somerset Council

MEETING:	Cabinet	
MEETING DATE:	11 January 2012	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2333
TITLE:	Annual Report on Council duties in respect of Private Fostering Arrangements	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
None		

1 THE ISSUE

- 1.1 This report details the duties of the Council, working in cooperation with partner agencies, in respect of private fostering arrangements and notifications in accordance with Regulations, National Minimum Standards, and Guidance which came into force on 1st July 2005 as Section 44 of the Children Act 2004 and detailed in The Children (Private Arrangements for Fostering) Regulations 2005.
- 1.2 This is the third annual report in respect of private fostering arrangements and how these responsibilities have been carried out in 2010- 2011. The previous reports have been presented to the Lead Member for Children's Service.

2 RECOMMENDATION

- 2.1 Cabinet is asked to note this report and agree the evaluation of the outcomes of its work in relation to safeguarding and promoting the welfare of privately fostered children.
- 2.2 Cabinet asks the author to present an annual report to the Local Safeguarding Children's Board (LSCB) on how it safeguards and promotes the welfare of privately fostered children, including how it cooperates with other agencies.

3. FINANCIAL IMPLICATIONS

- 3.1 There are currently no direct financial implications arising from this report. Previous duties in respect of privately fostered children have been enhanced by the Regulations, Guidance and National Minimum Standards, but are carried out within existing resources. This position may need to be reviewed in the event of a significant increase in notifications. There are no current additional financial demands in this area of work. It is not possible to calculate exactly the cost of undertaking this work, in view of the fact there are so few notifications this work can be carried out within the existing responsibilities of qualified social work capacity.

4. CORPORATE PRIORITIES

- 4.1 Building Communities where people feel safe and secure

Children and young people have a right to live in environments where they feel safe and secure. Private fostering arrangements need to be assessed in order to ensure that they are providing appropriate care to vulnerable children and young people. It is the responsibility of the local authority to ensure that these arrangements meet the needs of children and young people.

- 4.2 Improving Life chances of disadvantaged teenagers and young people

The local authority is responsible for ensuring that the care provided within private fostering arrangements meets the needs of children and young people. Where concerns exist they are addressed to maximise the life chances of children and young people.

5. THE REPORT

- 5.1 The Council has duties under the Children Act 1989 to provide services to children in need, including those in need of protection and to looked after children. Within Part 9, and Schedule 8, of the Children Act 1989 the Council has duties in respect of children who are placed in private fostering arrangements, and must comply with the Children (Private Arrangements for Fostering) Regulations 1991.
- 5.2 A private fostering arrangement is essentially a placement that is made privately (that is to say without the involvement of a local authority) for the care of a child under the age of 16 (under 18, if disabled) with someone other than a parent or close relative for 28 days or more. Private foster carers may be from the extended family (i.e. not a relative under the Children Act, so not an aunt, uncle, grandparent, step-parent or sibling), such as a cousin or great aunt. They may be a friend of the family, or the parents of the child's girlfriend or boyfriend – or someone unknown who is willing to privately foster a child.
- 5.3 The private foster carer becomes responsible for the day to day care of the child in a way which will promote and safeguard his or her welfare. Responsibility for safeguarding and promoting the welfare of the private foster child rests with the parent or other person with parental responsibility. Local authorities do not formally approve or register private foster carers. However, it is the duty of local authorities to satisfy themselves that the welfare of children who are or will be privately fostered within their area, are being or will be satisfactorily safeguarded.

- 5.4 It is not known how many children are privately fostered in the United Kingdom. The British Association for Adoption and Fostering (BAAF) believes there could be anything from 15,000 to 20,000. It is estimated that only 50% of these are notified to Local Authorities. Evidence suggests that children who are privately fostered are a diverse and a vulnerable group. Many do not have a parent figure readily accessible and in a position to safeguard their welfare, for example parents or parent figures who live abroad. Groups of privately fostered children include:
- children sent from abroad to stay with another family.
 - Asylum seeking and refugee children.
 - Teenagers who have broken ties with their parents, who stay in short or longer term arrangements with friends or other non-relatives.
- 5.5 The existing law required parents, prospective private foster carers and those who receive a child in an emergency or who were providing accommodation for a child, to notify the Local Authority of the arrangements. However, many private foster carers (prospective and actual) and parents are not aware of the notification requirements, or choose not to comply with these regulations. As a result, many private fostering arrangements remain hidden, leaving children placed with them, potentially vulnerable to abuse and neglect. The Victoria Climbié Inquiry Report highlighted the vulnerable position of privately fostered children, and as a result of its recommendations provision was made within the Children Act 2004, to place a new duty on Local Authorities to promote awareness of private fostering within their area and of the notification requirements.
- 5.6 The measures in the Children Act 2004 and the Children (Private Arrangements for Fostering) Regulations 2005 were designed to strengthen and enhance the existing private fostering notification scheme. They have, along with the National Minimum Standards, focused local authorities' attention on private fostering and required them to take a more proactive approach to identifying arrangements in their area. We have been addressing notification rates and compliance with the legislative framework for private fostering and the problems identified with the nationally prescribed scheme.
- 5.7 The Children Act 2004 inserted a new paragraph (7A) into Schedule 8 of the Children Act 1989, placing a duty on local authorities to promote public awareness in their area. Local authorities need to ensure that they have a strategy and procedure to promote awareness within their communities of the notification requirements and to ensure that those professionals who may come into contact with privately fostered children understand their role in encouraging notification. Local Authorities must have a range of up to date publicity material and must communicate these to all relevant parties.
- 5.8 The duty of local authorities to satisfy themselves that the welfare of children who are privately fostered within their area is being satisfactorily safeguarded and promoted was extended under Section 67(1) to include children who are **proposed** to be privately fostered.
- 5.9 The amended section also extends the duty of local authorities to ensure that such advice is given to those caring for privately fostered children to include all

those concerned with the child. This means that, where appropriate, local authorities should give advice to parents or other persons with parental responsibility, those proposing to privately foster a child, actual private foster carers and/or any other person concerned with the child.

- 5.10 The Children (Private Arrangements for Fostering) Regulations 2005 require local authorities to satisfy themselves of the suitability of a proposed arrangement – or otherwise exercise their powers to prohibit, or to impose requirements on, the arrangement – before the child is privately fostered, where advance notice of the arrangement is given, thereby providing additional safeguards for privately fostered children.
- 5.11 Local authorities and other relevant agencies are responsible for decisions about their own arrangements for managing the legal and administrative issues assigned to them under the Children Act 1989. They should ensure that those proposing to privately foster children know where to obtain information about appropriate advice and assistance from other agencies. Local authorities should work with other key agencies in meeting the legitimate needs of privately fostered children, their parents and private foster carers.
- 5.12 Within Bath and North East Somerset, the Children and Families Service has reviewed existing practice and procedures and has established arrangements for receiving notifications ; undertaking assessments of care arrangements : visiting, supervising and supporting privately fostered children and their carers. Public information leaflets have been updated and press and public awareness raising campaigns planned. The Chair of the Local Safeguarding Children’s Board (LSCB) has written to all local schools and potential placing agencies to advise them of their responsibilities and the Council’s duties. The Children’s Trust Board Executive representatives have also undertaken to brief their own staff.
- 5.13 There are national and local concerns that existing arrangements have not worked well in practice. Local and national levels of notifications are thought to be significantly below the real number of such arrangements.
- 5.14 Locally arrangements are in place for annual reports to be presented to the Local Safeguarding Children’s Board. The Lead Member for Children, Early Years and Youth and the Director of Children’s Services, most recent report was presented in December 2011.
- 5.15 Work has been done with the Schools Admissions and Transport Team to alert them to an awareness of unusual situations that may warrant further investigation. The regular Child Protection Forums which are open to all school in Bath & North East Somerset include information on private fostering. These meetings cover most schools in Bath and North East Somerset including the independent sector. We plan to provide further briefings to relevant teams and services which may be able to assist in identifying private fostering arrangements during the next year.
- 5.16 The Service has responded to all notifications made to the Council with assessments completed, statutory visits undertaken and support services provided to the children and/or carers in line with individual assessments of need. There are likely to be a number of private fostering arrangements in Bath and North East Somerset that we have not been notified of, as this would be in line with the picture nationally.

5.17 There was an inspection of Private Fostering Arrangements in August 2008, which was satisfactory. An action plan was created and has been acted upon, it is anticipated that there will be a further inspection within the next year.

6. RISK MANAGEMENT

6.1 The Report author and the Lead Member have fully reviewed the risk assessment related to the issues and recommendations, in compliance with the Council's decision making risk management guidance.

7. EQUALITIES

7.1 It is not uncommon for private fostering arrangements to be organised for children and young people whose parents may live abroad or where the young person was not born in this country. These young people may be at particular disadvantage in respect of culture, language and ethnicity. This requires particular attention to their needs and the importance of ensuring that they do not suffer additional disadvantage because of their minority status.

8. RATIONALE

8.1 The Council is required by legislation to carry out these duties and reporting to the Lead Member and the LSCB on how these are undertaken is good practice.

9. OTHER OPTIONS CONSIDERED

9.1 None. This is a statutory duty with which we have to comply.

10. CONSULTATION

10.1 Consultation has taken place with staff across Children's Services and with representatives from all agencies on the LSCB and the Children Trust Board.

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Background papers	
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