

Bath & North East Somerset Council

DECISION:	Cllr Chris Watt Lead Member for Children's Services	
DECISION DATE:	On or after 6th January 2011	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2215
TITLE:	Annual Report on how the Council carries out its Private Fostering responsibilities	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
No attachments		

1 THE ISSUE

- 1.1 This report details the Council's duties, working in cooperation with partner agencies, in respect of private fostering arrangements and notifications in accordance with New Regulations, National Maximum 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 on the Council's duties in respect of private fostering arrangements and how these responsibilities have been carried out in 2009-2010.

2 RECOMMENDATION

- 2.1 The Lead Member notes the report and requires the Service Manager – Trina Shane, (Assessment and Family Support) to provide an Annual Report on how the Council working in partnership with members of the LSCB, safeguards and promotes the wellbeing of children and young people.

3 FINANCIAL IMPLICATIONS

3.1 There are currently no direct financial implications arising from this report. Existing duties in respect of privately fostered children will be carried out within existing resources. This position may need to be reviewed in the event of significant increases in notifications.

4 CORPORATE PRIORITIES

- Improving life chances of disadvantaged teenagers 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 children in care. 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 one that is made privately (that is to say without the direct involvement of a local authority) for the care of a child under the age of 16 (under 18, if disabled) by 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, 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. The Department of Children, Schools and Families (DCSF) started collecting private fostering returns (PF1) in 2005. These consisted of notifications of new private fostering arrangements received by local authorities, of the numbers of arrangements known by local authorities to have started or ceased in the year, and of numbers ongoing at 31 March each year. In general, the PF1 returns show a steady increase from 730 in 2005 to 1,530 in 2009. Currently, the majority of notified cases are of UK born teenagers. It is clear that the issue of under-reporting continues, what is known, is that children who are privately fostered are a diverse and a vulnerable group, with many not having a parent figure in a position to safeguard their welfare, or 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, vulnerable to abuse and neglect. The Victoria Climbié Inquiry Report highlighted the vulnerable position of privately fostered children, and subsequently recommendations within Every Child Matters, provision was made within the Children Act 2004, to place a new duty on Local Authorities to promote awareness in their area of the notification requirements.
- 5.6 The Council's Children's Services and Local Safeguarding Children's Board have promoted awareness of private fostering and the requirement to notify the Local Authority (with press, public awareness, staff awareness campaigns and formal letters to all local schools and prospective planning agencies). This has not resulted in any increase in the number of private fostering arrangements known to the Council. The number of children on our records is between 3-5 children at any one time. 2001 Census population B&NES 169,040: Under 16's 18.2% of population = 30,765 children. The current Private Fostering numbers in September 2010 were 4. There are a considerable numbers of young people who come to the UK every year to study English and there are 7 language schools in the Bath area. These students may well be housed within a Private Fostering arrangement but they have not been reported to the Council. This would suggest a significant under report of these arrangements.
- 5.7 Action has been taken to actively raise the profile and promote the legislative requirements to the best of our ability. As stated in previous reports, although parents and carers are required to notify the Council there is no direct incentive for private foster carers to do so. The role of professionals who have contact with families is therefore crucial in ensuring that the Council is actively seeking out and identifying any private fostering arrangements.
- 5.8 The new 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 problems identified with the scheme.
- 5.9 The Children Act 2004 inserted a new paragraph (7A) into Schedule 8 of the Children Act 1989, which places a duty on local authorities to promote public awareness in their area of the notification requirements. Local authorities will need to ensure that they have in place 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. They will need to develop a programme of communication activities and a range of up to date publicity materials. They will also need to make available information on the notification requirements and the procedure for doing so, to all relevant parties.

- 5.10 The amended section 67(1) extends 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 to include children who are proposed to be privately fostered.
- 5.11 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.
- 5.12 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.
- 5.13 Within Bath and North East Somerset, the Safeguarding and Family Support Service reviewed existing practice and procedures and 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 previously written to all local schools and potential placing agencies to advise them of their responsibilities and the Council's duties.
- 5.14 There are concerns that existing arrangements have not worked well in practice. The number of notifications received both locally and nationally is thought to be a significant underestimation of the real number of such arrangements. The government has indicated that it will consider revising legislation to make the system more robust due to the continuing poor response of notifications. There have been changes to the Inspection Process of monitoring Private Fostering arrangements and there will now be a 3 yearly cycle. Our last inspection took place in July 2008 and we anticipate this being repeated in the summer of 2011.
- 5.15 Arrangements remain in place for annual reports to be presented to the Local Safeguarding Children's Board, prior to this report the last report was received in December 2009 and to the Director of Children's Services and the Lead Member for Children's Services on an annual basis.
- 5.16 A range of publicity material has been produced and circulated internally and in the public domain, including a further week of action in February 2010, organised by British Association for Adoption and fostering (BAAF), which we participated in by arranging local publicity. If another week of action is planned we will remain involved.
- 5.17 New protocols have been established in line with Children's Services electronic client recording system to ensure monitoring and evaluation of performance is robust. The first Private fostering Inspection took place in July 2008, The inspection took place shortly after the Joint Area Review and at the time the inspectors found limited numbers of private fostering arrangements that were formally assessed in accordance with the regulations

- 5.18 The Inspection report identified our services as satisfactory and an action plan was undertaken as consequence of the inspection findings.
- 5.19 All social care teams received a written protocol that is designed within our electronic client record system. This guidance will assist social workers to understand their responsibilities and ensure they record the information accurately and in accordance with minimum PF standards. This will require that the social work receiving team will have to pay for the enhanced CRB check, unless the birth parent has agreed to do so. There are also minimum standards of visiting, and in accordance with the Needs Assessment Framework, an initial assessment must be completed within 7 days of a notification. Within the first year of the arrangement being made a visit must take place not less than every six weeks, to check upon the welfare of the child/young person and ensuring that their needs are being met. In following year, visits can be reduced to every 12 weeks, where arrangements are working well.
- 5.20 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.
- 5.21 An action plan was created and has been acted upon. The action plan included the need to identify a named person responsible for this area of activity. The Deputy Team Manager of the Bath Locality Team currently has lead responsibility for Private Fostering. He intends to contact schools, childcare agencies and visit teams within the council promoting awareness regarding Private Fostering. In the recent months there have been two visits to international schools following two private fostering referrals.
- 5.22 The protocol in the event that a private foster carer has a relevant conviction was amended in 1st April 2010.
- 5.23 We are continuing to actively raise the profile of Private Fostering and promoting the legislative requirements to the best of our ability. As stated in previous reports, although parents, carers and accommodation providers are required to notify the LA there is no direct incentive for private foster carers to do so. The role of who has contact with families is therefore crucial in ensuring that the LA is actively seeking out and identifying any private fostering arrangements.
- 5.24 We have been advised that the Inspection process for private fostering is now to be on a 3 year cycle, this is likely to mean that we should anticipate an inspection again in 2011, prior to this a further round of publicity will take place.

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 An Equalities Impact Assessment has not yet been carried out but this will be achieved in the New Year.

8 RATIONALE

8.1 The Council is required by legislation to carry out these duties and the compilation of a policy statement is seen as good practice.

9 OTHER OPTIONS CONSIDERED

9.1 None. This is a statutory duty with which we have to comply. Producing this report represents good practice and is a demonstration of our corporate parenting duties.

10 CONSULTATION

10.1 Stakeholders/Partners

10.2 Consultation has taken place and will do so again with staff across Children's Services and with representatives from all agencies on the LSCB and the Children Trust Executive.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 Young People

12 ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

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Sponsoring Cabinet Member	Councillor Chris Watt
Background papers	None
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