

## **Children and Young People Services Select Committee**

**20 June 2018**

### **Private Fostering**

### **Report by Executive Director Children, Adults, Families, Health & Education and Director of Children and Family Services**

#### **Executive Summary**

West Sussex County Council has a legal duty to satisfy itself 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, but not yet, privately fostered.

In addition there is also a legal duty to provide advice, where appropriate, to those with parental responsibility, private foster carers or those proposed to be private foster carers and/or any other person concerned with the child.

Ofsted monitors Private Fostering as part of the Inspection of Local Authority Children's Services (ILACS).

#### **The focus for scrutiny**

- To be aware of the processes undertaken in West Sussex in relation to Private Fostering and be informed of the challenges faced.

#### **Recommendations**

- (1) The Committee is asked to support the approach undertaken in West Sussex to identify, assess and support Private Fostering arrangements.
- (2) The Committee to consider how the Council may be able to influence awareness raising of Private Fostering arrangements.

## **1. Context/ Background**

1.1 The Private Fostering Regulations apply when children or young people, aged under 16 years (18 if they have a disability) live with a person who is not a close relative for 28 days or more. The term 'close relative' has a specific definition within the legislation, it includes grandparents, brothers, sisters, uncles and aunts (whether of the full or half blood or by marriage) and step-parents. Children living with people who are not close relatives, such as a cousin, great aunt or family friend need to be assessed and reviewed under the Private Fostering Regulations to ensure the placement is able to safeguard and promote his/her welfare.

1.2 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/her welfare. Overarching responsibility for safeguarding and promoting the welfare of the

privately fostered child remains with the parent or other person with parental responsibility.

- 1.3 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 is being, or will be, satisfactorily safeguarded and promoted. It is the local authority in whose area the privately fostered child resides which has legal duties in respect of that child.
- 1.4 Local authorities will need to distinguish between private arrangements made between parents and carers, and arrangements in which they, with the consent of the parents, have been involved where the child concerned is legally defined as 'accommodated' under section 20 of the Children Act 1989, thus being a looked after child.
- 1.5 A person who proposes to privately foster a child must notify the appropriate local authority of the proposal at least 6 weeks before the date on which the private fostering arrangement is to begin or immediately where the arrangement is to begin within 6 weeks.
- 1.6 Any person, including a parent or other person with parental responsibility for a child, who is involved (whether or not directly) in arranging for the child to be privately fostered (such as a language school arranging for a student to be privately fostered by a host family) must notify the appropriate local authority of the arrangement as soon as possible after the arrangement has been made. This is the same requirement for proposed arrangements.
- 1.7 There is a prescribed list of information that must be provided to the local authority when notifying of a private fostering arrangement.
- 1.8 Upon receipt of the notification the local authority must, within 7 days of the notification, commence a written assessment of whether the arrangement is suitable. This must be concluded within 42 working days from the notification. Wherever possible the child should be seen alone to inform the conclusion of the assessment.
- 1.9 Each local authority must arrange for an officer of the authority to visit every privately fostered child in their area in the first year after the arrangement has become known to the local authority, at intervals of not more than six weeks; and in any second or subsequent year, at intervals of not more than 12 weeks. The child should be seen alone on these visits and a written report of the visit made.

## **2. Proposal**

- 2.1 This report to Select Committee gives an overview of activities in relation to privately fostered children in West Sussex from April 2017 to end of March 2018. The report details how West Sussex County Council has complied with its duties and functions in relation to private fostering and includes how the welfare of privately fostered children has been safeguarded and promoted over the past 12 months. The report also outlines the activities which have

been undertaken to promote awareness of the notification requirements regarding children who are living in private fostering arrangements.

- 2.2 The Private Fostering Service comprises of a Private Fostering Social Worker who works 4 days a week. This post holder has previous experience within both Children Looked After Services and the Fostering Service. This Social Worker has a caseload of open private fostering cases. They also undertake assessments of new referrals coming in and alongside the practice manager, undertake awareness raising of private fostering activities.
- 2.3 Given that the post is 4 days a week, it sometimes is necessary for other workers within the fostering service to undertake Private Fostering assessments and support carers if the numbers rise.
- 2.4 Quarterly Private Fostering Meetings take place between the Practice Manager, Group Manager and Service Lead. The remit of these meetings is to monitor and review the performance of the Private Fostering Service and the efficacy of the Awareness Raising regarding Private Fostering.
- 2.5 During the year 1<sup>st</sup> April 2017 – 31<sup>st</sup> March 2018 the Private Fostering Service was responsible for **30** children in Private Fostering arrangements. This compares with **48** children for the preceding year.
- 2.6 The overview of the activity for the year 2017/18 is as below:

<b>2017 - 2018</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>March</b>
<b>Total Children</b>	16	16	18	18	18	18	23	23	21	19	17	16
<b>Total Carers</b>	14	14	16	16	16	16	21	21	19	17	15	14
<b>Total No of Actual PF Notifications</b>	1	4	0	2	1	5	1	0	0	1	0	2
<b>Total Cases Closed</b>	1	2	0	2	1	0	1	2	2	3	1	2

This compares to the same data set for the previous year:

<b>2016 - 2017</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>March</b>
<b>Total Children</b>	13	11	11	26	25	26	24	26	25	11	12	18
<b>Total Carers</b>	12	10	10	23	22	23	21	23	22	9	10	16
<b>Total No of Actual PF Notifications</b>	0	0	2	16	2	2	0	2	1	1	1	6
<b>Total Cases Closed</b>	2	2	2	1	3	1	2	0	2	15	0	0

The main reason for the difference in numbers is that during the 2016/17 year there was a cohort of 13 Chinese children who were Privately Fostered during their time at a language school in Worthing.

2.7 In the period for 2017/18 17 arrangements came to an end for the following reasons:

- 8 children returned to family
- 5 children turned 16
- 1 child was made subject to a Special Guardianship Order
- 1 child was moved to another team within WS due to Sec 17 intervention
- 2 children moved to another Local Authority

This compares with the same period in 2016/17 when 30 arrangements came to an end for the following reasons:

- 21 children returned to family
- 5 children turned 16
- 1 child was accommodated
- 1 child moved to a new private fostering arrangement out of county
- 2 children were made subject of a Special Guardianship Order

As can be seen far fewer children returned home in 2017/18. This would in the main be due to a lower number of children in general in Private Fostering Arrangements, but also fewer children in Private Fostering arrangements through language schools. A mailing to all language schools took place in April 2018. A further mailing will take place if the numbers of notifications is low by end of June.

2.8 The ethnicity of the children in Private Fostering arrangements for the year 2017/18 was as follows:

<b>Ethnicity of Children:</b>
White British - 5
White European - 16
Black / African / Caribbean / Black British - 4
Mixed/multiple ethnic groups - 2
Indian - 1
Not stated - 1

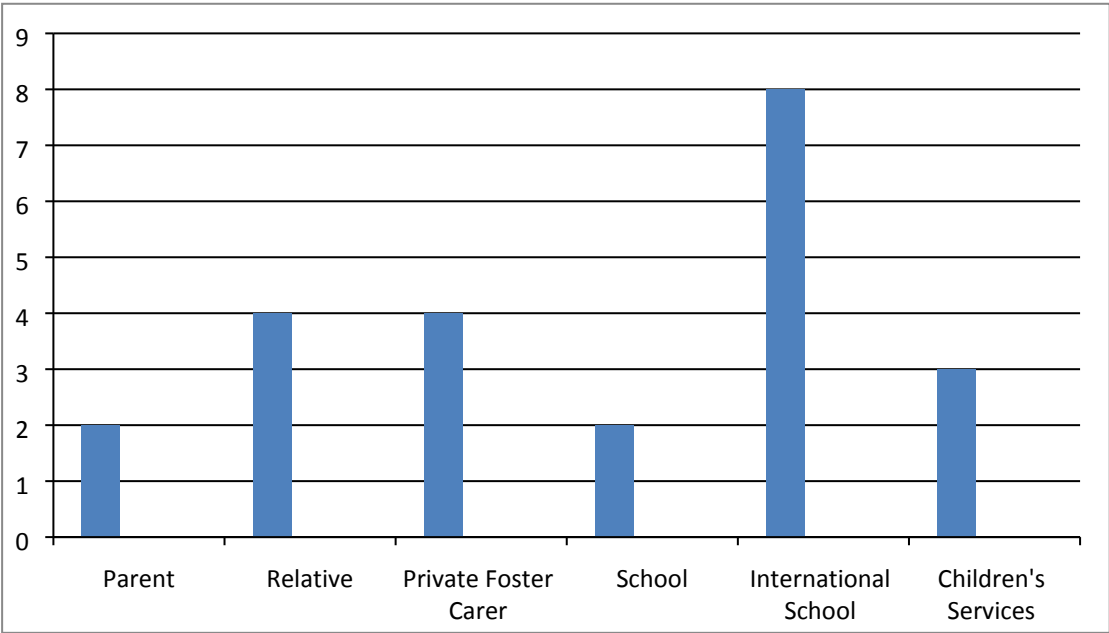
This compares to the previous year as follows:

<b>Ethnicity of Children:</b>
White British - 13
White European - 9
Black / African / Caribbean / Black British - 4
Mixed/multiple ethnic groups - 3
Chinese - 16
Australian - 2
Brazilian - 1

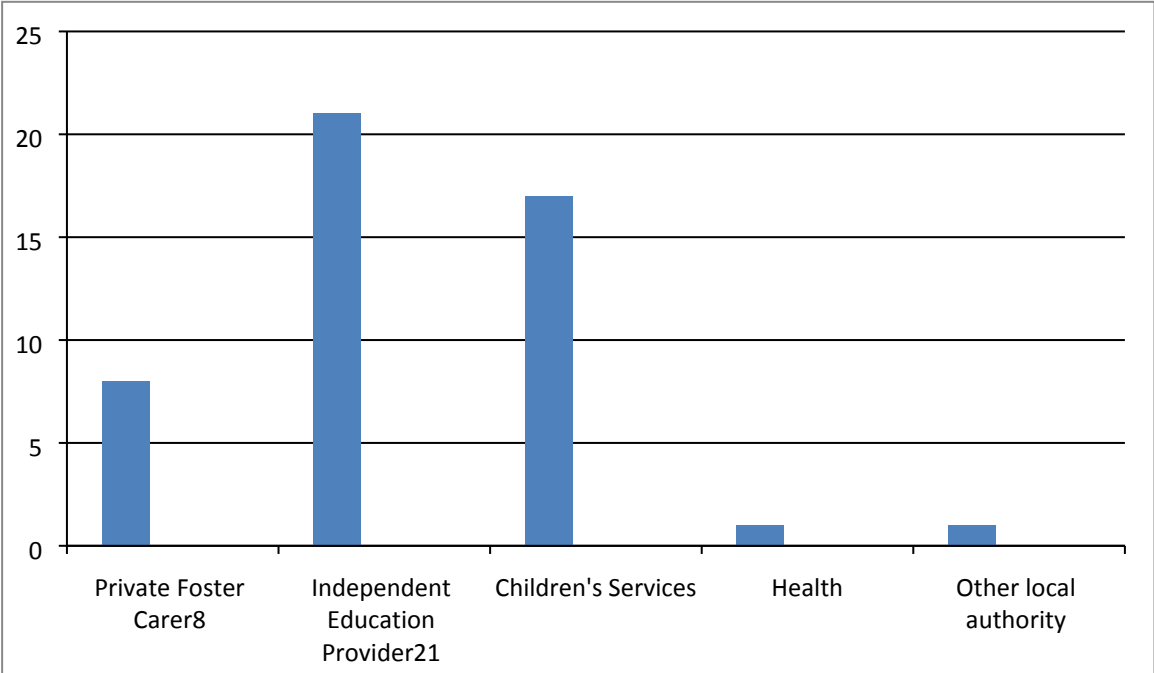
The biggest difference between the two periods is in relation to the number of Chinese children which is accounted for by the cohort of children entering into a Private Fostering arrangement as a result of coming to study English through one particular language school.

2.9 Sources of Referrals:

For the period 2017/18 the sources of referrals was as below:



For the preceding year the sources were as follows:



There is a similarity in that the highest number of notifications have come from education providers, but a marked drop in the number of referrals from social care colleagues. A meeting was held with the MASH (multi-agency safeguarding hub) Group Manager on 4 May 2018. At this meeting it was agreed that the Private Fostering Service would attend one of their managers' meetings (to also include managers from the Child Assessment and Intervention Service) to raise awareness of Private Fostering. A request was made for a presentation regarding Private Fostering to be on the agenda for the next Children and Family Services Staff Conference on 26th July 2018 to provide a presentation regarding Private Fostering and a request to be part of the ASYE (first year post qualification) training programme. Both of these requests have been agreed to.

2.10 With regard to the planned/unplanned nature of the arrangements for the period 2017/17 of the 27 private fostering arrangements in place:

- 1 was unplanned (family breakdown)
- 26 were planned

Of these 1 child was subject to a Child in Need plan and held in Family Support and Protection Team (on going).

This compares to the preceding year as below:

- 14 were unplanned
- 34 were planned

15 children were subject to a Child in Need or Child Protection plan

Again, the highest number of arrangements were planned, but of significance is the reduction in children on a Child in Need or Child Protection Plan. As mentioned above the awareness raising within Children and Family Services will support with ensuring that notifications are made appropriately.

- 2.11 The Practice Manager and Group Manager monitor arrangements and are confident that assessments and visits are being undertaken in a timely way. The Private Fostering Quarterly meeting looks at the quality of assessments and arrangements in finer detail. Work has been undertaken on improving the assessment process and information gathering in order to ensure that the assessment is SMART – this work has resulted in a more streamlined assessment both for the worker and the carer whilst ensuring that the information gathered ensures that children are living in safe arrangements with their carers.

### **3. Resources**

- 3.1 Given the often informal nature of private fostering arrangements it is crucial that promoting awareness and understanding continues to be prioritised.
- 3.2 An awareness strategy is prepared on an annual basis (see background papers for copy of the 2018/19 strategy). The aim of the strategy is:
- To create and maintain awareness of what Private Fostering is - and the associated statutory responsibilities and support available - in order to safeguard the welfare of children within private fostering arrangements in West Sussex and provide support to their carers.
  - To build and maintain links with internal and external stakeholders to educate them on their legal duties and enable them to make timely referrals.
  - To support national campaigns around Private Fostering.
- 3.3 Achieving the aims of the awareness strategy is done by:
- Raising awareness among the residents and professionals in West Sussex of statutory responsibility with regards to Private Fostering. This includes professionals working with children in schools, social care, public health and the voluntary sector; Birth parents or person(s) with 'parental responsibility' who wish to place their child in a Private Fostering arrangement and members of the public, in particular those within ethnic groups where there is less awareness, and fewer notifications, of Private Fostering arrangements.
  - Aligning the strategy and promotional activities with key national initiatives and campaigns provided by organisations such as The British Association for Adoption and Fostering (CoramBAAF) and the Department for Education. This includes utilising any promotional material or information provided by these organisations and increased activity to tie in with National Private Fostering Week, if relevant.
  - Engaging with professional audiences to further their understanding of (and involvement with) Private Fostering. This includes face to face meeting, presentations and sharing relevant promotional material on a regular basis.
  - Providing information online about Private Fostering that is accessible and easy to understand. All content should be correct and up to date.
- 3.4 Recent awareness raising activity has included re-designing the poster to advertise Private Fostering (a copy of this is in the background papers). This

poster has been displayed in the County Hall North and Centenary House. Posters have also been sent to GP and dentist surgeries and schools. The poster was on the employees' computer desk top in May. A piece was written for a May Family Operations Newsletters to remind staff about their responsibilities in relation to Private Fostering. Letters were sent to Clinical Commissioning Groups, Headteachers, Language Schools and Dentists informing of their responsibilities with regard to Private Fostering.

- 3.5 A Statement of Purpose has been in place in West Sussex since April 2005. The aim of the Statement of Purpose is to ensure awareness of West Sussex County Council's duties and functions in relation to private fostering and the ways in which they will be carried out. The document aims to provide a clear guide in relation to private fostering for professionals, wider agencies and members of the public. The Statement of Purpose was reviewed in June 2014 and will be reviewed again this year.

#### **4. Issues for consideration by the Select Committee**

- 4.1 This report has been produced to outline for Members the processes that are undertaken in West Sussex to monitor compliance with all the duties and functions in relation to private fostering and give reassurance of the checks that there are and the awareness raising activity that is in place.
- 4.2 The Committee is asked to support the approach undertaken in West Sussex to identify, assess and support Private Fostering arrangements and to consider how the Council may be able to influence awareness raising of Private Fostering arrangements.

#### **5. Consultation**

- 5.1 Over the past year, the Private Fostering Service has continued to have an active involvement in the Coram/BAAF Special Interest Group regarding Private Fostering and attended the quarterly meetings in London. This group provides a helpful forum for discussion, information exchange and peer support around this specialist social work intervention.

#### **6. Risk Management Implications**

- 6.1 The West Sussex County Council Local Children's Safeguarding Board (LSCB) plays a vital role in helping protect children who are privately fostered, exercising leadership and raising awareness of the requirements and issues around private fostering. The annual report for 2016/17 was presented to the LSCB in January 2018. A date is to be set for the presentation of the annual report for 2017/18.
- 6.2 To ensure the compliance of the Private Fostering Team with regard to the satisfactory operations of all of its procedures and the effectiveness of its actions a thematic audit is planned for this year by the Children and Family Services Quality and Assurance Team. This audit will review a sample of individual child and private foster carer records to check such matters as compliance with required timescales for action to be taken on receipt of a notification, decisions about the overall suitability of arrangements and subsequent visits; that additional visits are made when reasonably



requested; that children are seen alone, unless it is considered inappropriate (and with an independent interpreter where the child's preferred language is not English); that written reports are made in accordance with the regulation and that decisions about the suitability of arrangements are signed-off at managerial level.

- 6.3 Whilst anecdotally numbers in West Sussex are broadly comparable with other local authorities who we meet at the Coram/BAAF Special Interest Group, there is general and widespread concern that there remains a significant number of children in these arrangements who are not known to the local authority in which they are living. The 2014 Ofsted report on Private Fostering concludes the same, stating "there must be extensive 'unknown' private fostering in many areas." The awareness raising strategy is essential to raising the profile of Private Fostering.

## **7. Other Options Considered**

- 7.1 No applicable

## **8. Equality Duty**

- 8.1 An Equality Impact Report is not required for this decision for the following reason: It is a report dealing with internal or procedural matters only.

## **9. Social Value**

- 9.1 Not applicable

## **10. Crime and Disorder Implications**

- 10.1 Not applicable

## **11. Human Rights Implications**

- 11.1 Not applicable

**Kim Curry**  
Executive Director Children,  
Adults, Families, Health & Education

**Annie MacIver**  
Director of Children and  
Family Services

**Contact:** Sarah Foster

### **Background Papers:**

- Private Fostering Awareness Strategy 2018-19
- New Private Fostering poster/flyer