

Your role  
safeguarding  
privately  
fostered  
children

# Privately Fostered Children and Young People

## A Professional's Guide



**Call: 0121 788 4375**  
**[www.solihull.gov.uk](http://www.solihull.gov.uk)**

## Foreword



Safeguarding children and young people is everybody's responsibility; most especially those of us whose work brings us into contact with children and young people on a regular basis.

Children and young people who are living away from their parents in a private fostering arrangement are potentially vulnerable. For this reason, the Local Authority has a statutory duty to safeguard these children and young people. However, we will need your help to make sure we know who they are.

This booklet is designed as a simple guide to help you understand private fostering and the steps you must take to safeguard privately fostered children and young people.

Thank you for taking the time to read this guide and learning about your responsibilities.

*Mark Rogers*

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## What is private fostering?

Private fostering occurs when a child or young person under 16 (if disabled, under 18) is cared for and provided with accommodation for more than 28 days, by an adult who is not their parent or a close relative\*.

Usually a birth parent chooses and arranges a private fostering arrangement. Private foster carers do not hold parental responsibility and the child or young person is not “looked after” by the Local Authority.

\* The Children Act defines ‘close relatives’ in relation to a child as a grandparent, brother, sister, uncle or aunt. They could be a full or half relation, and could be related by marriage. The term also includes a step- parent. A cohabitee of the mother or father would not qualify as a relative; neither would extended family members such as a great aunt, great uncle or parent’s cousins



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## Examples of Private Fostering

We do not know how many children or young people are privately fostered in the UK but the British Association for Adoption and Fostering (BAAF) estimates that this could be anything from 15,000 to 20,000. Private fostering can take many forms including:

- African and African-Caribbean children and young people with parents overseas
- Black and minority ethnic children and young people with parents working or studying in the UK
- Asylum seeking and refugee children / young people
- Trafficked children / young people
- Local children / young people living apart from their families
- Children / young people who are estranged from their families
- Children / young people attending language schools
- Children / young people at independent boarding schools who do not return home for holidays
- Children / young people living with host families for a variety of reasons
- Children / young people brought in from abroad with a view to adoption

## What are the rules governing private fostering?

The Children Act 1989 gives Local Authorities a statutory duty to satisfy themselves that the welfare of children who are privately fostered in their area is being satisfactorily safeguarded and promoted. However, they can only do so if they are aware of children / young people living in private fostering arrangements.

National Minimum Standards for private fostering became operational in July 2005 covering a raft of issues including on going support and monitoring of a private fostering arrangement.

A child or young person can be removed from a private foster placement if there is reasonable cause to suspect that they are suffering or are likely to suffer significant harm.

## Birth parents must:

- Advise Solihull Duty Assessment Referral Team (DART) of the private fostering arrangement at least six weeks in advance or, where an arrangement is made in an emergency, within 48 hours. It is a **legal requirement** for the Local Authority to be notified by the birth parent.
- Provide the prospective carer with as much information about the child / young person as possible, including their health records, dietary preferences, school records, hobbies, religion and ethnicity.
- Ensure that the proposed private fostering placement is suitable for their child.
- Participate in all decisions about their child.



## Private foster carers must:

- Advise Solihull Duty Assessment Referral Team (DART) at least six weeks in advance of their intention to privately foster a child or, where a child or young person is received in an emergency, within 48 hours after the child or young person's arrival. It is a **legal requirement** for the Local Authority to be notified by the private foster carer.
- Notify DART within 48 hours if their circumstances change including if someone else comes to live in the household or when a child or young person leaves their care, stating why and giving the name and address of the person into whose care the child or young person has moved.



## What should YOU do?

Private foster carers are **legally required** to notify their Council but many do not, often because they do not know that they have to. This means that Children's social work services are unable to check whether the child or young person is safe and well cared for.

It is vital that Children's social work services are made aware of private fostering arrangements so that they can safeguard and promote the welfare of potentially vulnerable children/ young people.

Ideally, notification should come from the parent or private foster carer. However, anyone who comes into contact with children and families can also play an important role. They are often the people who are in the best position to explain to private foster carers and parents that they have a legal duty to notify Children's social work services.

If you know that a child or young person is being privately fostered, support the carer or parent of the child to notify Children's social work services.

If a private foster carer or parent, once aware of their legal obligation to notify Children's social work services fails to do so, please notify DART yourself on 0121 788 4375.

In addition you should give the carer or parent one of the following leaflets: "Is someone looking after your child?" or "Are you looking after someone's child?".

Finally if you have concerns that a child or young person may be at risk of harm you should make a referral to Children's social work services in accordance with Solihull Local Safeguarding Children's Board Procedures.

## Solihull Council must:

- Check the suitability of private foster carers via an assessment, including home visits, as outlined in the National Minimum Standards (DfES 2005)
- Make regular visits to the child and monitor the overall standard of care
- Ensure arrangements are in place to keep a register of private foster carers and children / young people who are privately fostered
- Ensure that advice and support to carers is made available when needed
- Provide annual statistics of the numbers of privately fostered children and young people within Solihull to Central government.

## How private foster carers can get support

Private foster carers can approach Children's social work services for advice on caring for the child / young people they are privately fostering.

There may, in certain cases, be assistance available under the Children Act 1989 for children and young people assessed to be 'in need'. This may include a range of support services and, in exceptional cases, cash.

Carers may be able to claim social security benefits such as Child Benefit, Tax Credits and possibly Income Support or Job Seekers Allowance if they receive Child Benefit. Enquiries should be made to the carer's local Benefits Agency Office

Duty Assessment and Referral Team (DART)  
Solihull Council  
Chelmsley Wood Library  
Stephenson Drive  
Chelmsley Wood  
West Midlands  
B37 5TA

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