



**Brighter  
Futures for  
Children**

# Private Fostering

**A guide for parents, carers and professionals**

**Information about private fostering and what you can do to help ensure the safety and welfare of children living in private fostering**

## Introduction



Children who live away from their families with people who are not closely related to them may be privately fostered. Private fostering arrangements are often made directly between the child's parents (or person with parental responsibility for the child) and the people who look after them, without any involvement from children's services.

Local authorities have a legal duty to safeguard the health and welfare of children living in private fostering

arrangements (in Reading, Brighter Futures for Children has this responsibility). However we cannot meet our statutory responsibilities if we do not know that a private fostering arrangement exists. If you know of a child who is not living with their parents or relatives, or you are looking after someone else's child, this leaflet tells you what you need to know about private fostering and what you should do.

## What is private fostering?

A private fostering arrangement is where a child under the age of 16 years (or under 18 years if they are disabled) lives with, and is cared for by, someone who is not their parent or close relative for 28 days or more. This is usually as a result of a private agreement between the child's parents (or someone else with parental responsibility for the child) and the carers, and without any initial involvement from children's services.

In this case a 'close relative' means a grandparent, brother, sister, uncle or aunt. It also includes half-relatives, step-parents and people who are related to the child by marriage.

Private fostering arrangements can involve:

- Children sent to this country for education and/or health care by birth parents living overseas
- Children living with a friend's family as a result of separation, divorce or arguments at home
- Teenagers living with the family of a boyfriend or girlfriend, or school friend because of family breakdown
- Children whose parents' work or study involves unsociable hours which make it difficult for them to use ordinary day care or after school care
- Children whose parents may have a long term illness and are unable to look after them
- Children who are sent to friends during the holidays or for an extended holiday period
- Other reasons not mentioned here.

Private fostering is very different from foster care provided by children's services - a privately fostered child is not classified as a child looked after under the Children Act 1989. Private foster carers do not have parental responsibility.

## **The law relating to private fostering**

Private foster carers provide day-to-day care of the child in a way which promotes and safeguards their welfare. Overall responsibility for safeguarding and promoting the welfare of the privately fostered child remains with their parent or guardian.

Although these arrangements are private, the child's parents, their private foster carers and children's services have some legal duties and responsibilities laid down by the Children Act 1989, the Children Act 2004 and the Children (Private Arrangements for Fostering) Regulations 2005.

## Birth parents (or person with parental responsibility for the child)

**Under the legislation the child's parents (or legal guardian) must:**

- Advise the private foster carer's local children's services of the private fostering arrangement at least six weeks in advance or, if an arrangement is made in an emergency, within 48 hours, and at the end of the arrangement.
- Notify local children's services within 48 hours when the care arrangements change.



Parents are responsible for ensuring that the proposed private fostering arrangement is suitable for their child. They retain their parental responsibility and continue to be involved in all decisions about their child's care and future.

They must give the person looking after their child as much information about the child as possible and come to a formal agreement about essential aspects of care (health, education, religious and cultural needs, discipline etc). This agreement is expected to be in writing.

## Private foster carers

**Under the legislation private foster carers must:**

- Advise their local children's services of their intention to privately foster a child at least six weeks before the start of the arrangement or, if a child is placed in an emergency, within 48 hours of the arrangement
- Notify the local children's services within 48 hours when a child leaves their care and provide the name and address of the person now responsible for providing care to the child
- Allow a social worker to visit them and the child regularly and to assess that the home where the child is cared for is appropriate.

## People working with children

As someone working with children you have an important role in helping parents and private foster carers meet their legal responsibilities and keeping children safe.

If you come across what you think may be a private fostering arrangement in Reading you should:

- Ask the parents and/or private foster carers if they have notified children's services of the private fostering arrangements.
- Inform the private foster carers and the child's parents of their legal responsibilities (you could give them this leaflet or ask them to visit [www.brighterfuturesforchildren.org/fostering](http://www.brighterfuturesforchildren.org/fostering)) and encourage them to contact us.
- Notification should come from the child's parents and carers. However, to ensure all private fostering arrangements are brought to our attention please also contact us yourself.

If you have concerns that a child may be at risk of harm you should follow Child Protection procedures.

## Children's Services

Under current legislation local authorities have a duty to check that children living in private foster care arrangements are safe and well cared for.

Under the legislation Brighter Futures for Children's duties include:

- Checking the suitability of private foster carers and assessing the circumstances surrounding the arrangements
- Making regular visits to the child in their private foster home to check on their welfare and monitor the overall standard of care provided. This includes listening to the child's wishes and feelings
- Ensuring that private foster carers get the advice and support they need to keep the child safe and well
- Providing preventative and support services where appropriate
- Continuing to provide support services to the child after the end of the private fostering arrangement, if they are needed.

Private foster carers do not have to be ‘approved’ by Brighter Futures for Children, but we do have legal powers to take action if we identify concerns with a private fostering arrangement.

We can:

- Require a private foster carer to take action to sort out any matters arising, for example, by installing fire guards or smoke alarms or accept preventative and support services if the accommodation or care is unsatisfactory
- End the placement and return the child to their parents, or take the child into our care if the concerns are more significant.

Private foster carers are legally required to notify children’s services, but they often don’t know they have to. It is vital we are made aware of private fostering arrangements.

## Your questions

### **Q What is the difference between private foster care and foster care?**

Foster care is where children who become looked after by children’s services are placed with approved foster carers. Private foster care can be provided voluntarily by any member of the community and tends to be a private arrangement rather than children’s services accommodating the child.

### **Q My friend wants me to look after her children for 6 weeks while she recovers from an operation. Do I need to tell the local authority?**

Yes - because they will be living with you for more than 28 days and you are not closely related to them.

### **Q My nephew from overseas will be staying with me for a year for study. Do I need to inform the you?**

No - because you are related to each other.

### **Q I want to leave my child with a friend for two weeks. Do we need to tell you about this?**

No - because they will be providing care for less than 28 days.

## **Q Why does Brighter Futures for Children need to be told about children in Private Foster Care?**

The law says you have to tell us because we have a duty to protect children living in private fostering arrangements. We need to know so we can make sure they are safe and well cared for and you can get support if this is required.

## **Q How do you ‘check’?**

We make regular visits to the private foster carer’s home to talk to the carer and the child being looked after. We offer help and advice. We are here to help - how often we visit depends on the situation and the individual needs of the child.

We also carry out police and other background checks to make sure all carers are safe and suitable to look after children.

## **Q I am of good character and don’t have any criminal convictions - why do I need to be police checked?**

Anyone who works with or provides care to children has to be police checked regardless of their social background, status and personal character. This is the law.

## **Q What happens if I don’t tell you about the private fostering arrangement?**

You may be liable to prosecution. The law says you must tell us if you:

- provide a home and care to a child who is not related to you for 28 days or more
- or your child lives with people who are not related to them for 28 days or more.

## **Q One of my neighbours is looking after someone else’s children. Should I tell Brighter Futures for Children?**

If you know them well you could show them this leaflet and ask them to get in touch. If you don’t know them well enough, or don’t feel comfortable with this then please call us in confidence to let us know. Your details are kept confidential under the Data Protection Act.

## Contacting us

To tell Brighter Futures for Children about a private fostering arrangement or if you have concerns about a privately fostered child please contact the Family and Friends Team on

**0118 937 3740**

**[FamilyandFriends.Referral@brighterfuturesforchildren.org](mailto:FamilyandFriends.Referral@brighterfuturesforchildren.org)**

**[www.brighterfuturesforchildren.org/for-parents-carers/  
fostering-and-adoption/](http://www.brighterfuturesforchildren.org/for-parents-carers/fostering-and-adoption/)**

Information about private fostering can be made available in other languages or in a non-written format on request. We can also help with a translation service.

For information please contact the Family and Friends Team, in our Adoption & Permanence Service on **0118 937 4451**.



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