

Be safe, be sure

Information for services in contact
with children about Private Fostering



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It's everyone's responsibility to ensure the wellbeing of children

Private Fostering is not the same as fostering arranged by a local authority or other fostering agency.

This information is aimed at those working in contact with children and families to help them identify private fostering arrangements. It also explains how they can assist local authorities in ensuring any children being cared for in such an arrangement are reported so that their wellbeing is ensured and appropriate support can be offered.

It is the responsibility of local authority Children's Services, to monitor and support private fostering arrangements but many parents and private foster carers may not be aware of their responsibility to notify local authorities, when putting these arrangements for children in place.

It may be that such arrangements will come to the attention of education, healthcare, housing or other services working directly with families and children. It is therefore important that you know what private fostering is and can help raise awareness among parents or carers you come into contact with, of their responsibility under the law, to notify their local authority.

What is Private Fostering?

Private fostering is where a parent is making an arrangement to have their child cared for by someone who is not an approved foster or kinship carer or guardian of the child and who is not a close relative of the child (i.e. not a grandparent, brother, sister, uncle or aunt whether by blood or by affinity (i.e. by marriage)), for more than 28 days.

What does the Law say?

The law requires the relevant local authority Children's Services to be informed in writing, at least two weeks before this type of arrangement is due to begin. The relevant local authority is the authority for the area where the child is to reside.

Where a private fostering arrangement is already in existence but no previous notification has been made, the law requires the carer and parent, to tell the local authority Children's Services at the earliest opportunity.

A Children's Services worker will carry out relevant checks and visit within one week to meet the child, the child's parents (where possible), the carer(s) and other members of the carer's household. An assessment will be made and records kept about the suitability of the arrangements, including Disclosure checks on all adult members of the household to ensure the safety of the placement and the wellbeing of the child.

It is an offence for a parent or carer to fail to notify a local authority about private fostering arrangements.

Who may be privately fostered?

A wide range of children can be living in private fostering arrangements, including:

- children from overseas where parents are/ are not resident in this country
 - children from abroad who attend language schools or mainstream school in this country and are staying with host families
 - adolescents estranged from their parents
 - children at boarding schools who do not return to their parents in the holidays but stay with people who may be referred to as education guardians
 - children on holiday exchanges
 - children attending independent/private/ special schools as day students
 - children (sometimes very young) where a parent is in prison or where a parent is unable to care for them because of chronic ill health or where there are alcohol or drug issues
 - children whose parents are undertaking a course of study and are unable to care for the child while they progress their education
 - children in services families where parents are posted overseas
 - children left with partners of birth parents following a death or separation
- This list is by no means exhaustive but indicates the scale and variety of situations which may involve private fostering

What are some signs that a child may be privately fostered?

- Children not registered with a school or not attending school
- Children not registered with a GP or Dentist
- An adult turns up with a child who is now staying with them
- A child mentions that they are staying with someone who is not their parent
- A patient attends a GP Practice or clinic with a child you haven't seen before
- A patient attends with a different child(ren) from prior visits
- A child may mention that the person they are accompanying is not their parent
- A child comes from overseas for the purpose of education without a parent coming with them
- A home you visit includes children who you have not previously been aware of
- A carer is vague about a child's routines or needs

What should you do if you suspect a private fostering arrangement?

- Make enquiries about who has parental rights and responsibility for the child
- Pass on information to parents or carers about their responsibility to notify the local authority, if private fostering is identified
- Inform your local authority Children's Services if you believe private fostering is taking place or you have concerns about any child
- The contact for your area can be found at: www.scotland.gov.uk/privatefostering

What about confidentiality?

A child who is privately fostered who is not brought to the attention of the local authority is a child who may be in need or at risk of harm. You will be acting appropriately by informing the local authority. Advice from the Information Commissioner's Office states that:

“Where a practitioner believes, in their professional opinion, that there is risk to a child or young person that may lead to harm, proportionate sharing of information is unlikely to constitute a breach of the Data Protection Act.”

Keeping privately fostered children safe is broader than a local authority function and since all children and families will access services, it is important that GPs, public health nurses, nurseries, schools, housing authorities, police, faith groups and those working with ethnic minority groups are aware of what private fostering is. Under the **Getting it right for every child** (GIRFEC) approach and the **UN Convention on the Rights of the Child** (UNCRC), all services have a shared responsibility to take appropriate action to ensure the wellbeing of children who come to their attention or are under their supervision.