



private fostering

Responsibilities of Local Authorities

The local authority must visit a child in a private fostering arrangement every three months for the first year of a placement, and every six months in other circumstances. A written report must be provided on each visit.

The Care Commission has a duty to inspect how the local authority responds to private fostering in its area. The Care Commission can be contacted at:
Compass House
11 Riverside Drive
Dundee
DD1 4NY
tel: 01382 207100

The Legislation

The care of children in private fostering arrangements is addressed in the following legislation which includes responsibilities for birth parents or guardians, private fosters carers and local authorities.

- **Foster Children (Scotland) Act 1984**
- **Foster Children (Private Fostering) (Scotland) Regulations 1985**

If you have any questions about the information contained in this leaflet please contact:

what is private fostering?





What is Private Fostering?

Private fostering is the term used when a parent or guardian places a child who is under school leaving age in the care of someone else, who is not a close relative or an officially approved foster carer, for a period of more than 28 days.

Although the arrangement is private, the local authority Social Work Department has an obligation to secure the welfare of every privately fostered child and therefore has to make a series of reports and checks.

The responsibilities of parents/guardians and carers in private fostering arrangements are set out in a separate leaflet.

This leaflet sets out the main responsibilities of the local authorities who have an obligation to secure the welfare of the child.

This leaflet only deals briefly with some of the duties of local authorities. There are other duties in relation to care and education and other aspects of the child's welfare. This leaflet is intended as guidance - it is not an authoritative statement of the law. The courts ultimately decide how the law should be interpreted.

Responsibilities of Local Authorities

When a local authority is notified of a private fostering arrangement, they must determine whether the placement is appropriate to the child's needs. In doing so they must:

- Visit the child and their parent/guardian either before the placement is made, or within two weeks of receiving notification, if that is later. This may mean visiting both parents and private foster carers if the child is already with the carer
- Obtain a statement on the child's health prepared by a fully registered medical practitioner
- As far as possible, ascertain the child's wishes and feelings regarding the placement, taking into account their age and understanding

Once notified of the placement the local authority has continuing duties of visiting the child and must make other checks on the household of the private foster carer.

These duties include:

- Visiting the premises where the child will be kept within one week of the placement being notified to check that they are adequate for the child's needs
- Interviewing the carers
- Obtaining a certificate from a fully registered medical practitioner stating whether the carers have any medical problems likely to adversely affect their ability as carers
- Preparing a written report on the outcome of the checks listed above, together with any other relevant written information, and deciding whether the placement is appropriate to the child's needs
- Giving written notification immediately to the parent and carer on whether they are satisfied or not that the placement is appropriate
- Visit the child at least every three months as long as the placement continues up to one year; and if it continues longer, visit every six months; and visit on other occasions as the authority considers necessary