

**REPORT TO: CHILDREN & YOUNG PEOPLE'S SERVICES COMMITTEE ON  
9 JUNE 2010**

**SUBJECT: PRIVATE FOSTERING**

**BY: DIRECTOR OF COMMUNITY SERVICES**

**1. REASON FOR REPORT**

- 1.1 To raise awareness within Committee of the duties required of the local authority relating to arrangements for Private Fostering.
- 1.2 This report is submitted to Committee in terms of Section D(8) of the Council's Administrative Scheme relating to the exercising of function of the Council under the Children and Young Persons (Scotland) Act 1937.

**2. RECOMMENDATION**

- 2.1 **It is recommended Committee considers these duties and notes the processes outlined in this report for arrangements relating to Private Fostering.**

**3. BACKGROUND**

- 3.1 Private fostering is the term used when parents make arrangements with people who are not close relatives or officially approved foster carers to care for their children for 28 days or longer. "Close relative" is defined in the Foster Children (Private Fostering) (Scotland) Regulations 1985 as a "grandparent, brother, sister, uncle or aunt whether of the full or half blood or by affinity".
- 3.2 Parents have a duty to notify the Local Authority when their child is placed in a private fostering arrangement, and the Local Authority has a duty to make certain enquiries.
- 3.3 The Care Commission has undertaken research into the arrangements for Private Fostering across the country. "Private fostering – the unknown arrangement? A report by the Care Commission on private fostering arrangements in Scotland" is available in the members' library.
- 3.4 This report advises that under the Regulation of Care (Scotland) Act 2001, the Care Commission has a duty to inspect how local authorities meet their obligations and responsibilities with regard to private fostering in their area. The Care Commission began inspecting in 2006.
- 3.5 The report advises that during inspection and consultation processes applied during 2006, 24 out of 111 consultees commented that private fostering was "misunderstood both generally and by users and providers", and that more publicity was needed to raise the profile.
- 3.6 The Care Commission found that few local authorities were taking a proactive multi-agency approach to identifying what are Private Fostering

arrangements. It found that parents and private foster carers are not aware of the legal requirement to notify local authorities of private fostering arrangements.

- 3.7 The local authority has a duty to check “that the welfare of children in private fostering placements is safeguarded and promoted as for other children in need or looked after by the local authority”.
- 3.8 The report “Private fostering – the unknown arrangement?” makes a number of recommendations for which the Community Services Department recommends the following actions: -
- (1) The Scottish Government and local authorities should launch major awareness raising campaigns about what private fostering means and parents’ duty to notify local authorities of arrangements.  
Within Moray there will be leaflets in libraries, a presentation to Locality Management Groups and a proposed presentation at the Council staff conference later in the year.
  - (2) Local authorities and children’s services planning partners need to be more proactive to identify privately fostered children. Linked to child protection and Getting it Right for Every Child (GIRFEC) arrangements all children services plans should state how they will do this and how they will monitor progress.  
Within Moray we intend placing Private Fostering on the agenda of the Corporate Parenting Group to maintain a clear focus.
  - (3) Local authorities should produce an annual report on private fostering activity which should be used to: -
    - Make the public aware of the need to notify local authorities
    - Protect children and safeguard their wellbeing
    - Review any Private Fostering Arrangements (PFAs)
    - Identify and support private fostering arrangements.Within Moray it is recommended that we establish our processes and report back to committee in 18 months and thereafter annually.
  - (4) All local authorities should have clear information on their website, with notification forms and processes; information on support and the Scottish Government’s electronic leaflet.  
Within Moray there is now information on the Council website and this includes the leaflets referred to.
  - (5) Guidance using the GIRFEC approach should help GPs, schools, housing, police and other relevant bodies to identify and support private fostering and meet their corporate parenting and child protection responsibilities.  
Within Moray we await guidance from the Scottish government that will then be acted upon.
  - (6) National and local government should engage membership organisation such as The Fostering Network and British Association for Adoption and

Fostering (BAAF), to help with publicity campaigns and advise private foster carers of the range of support, including legal advice which is available to them.

It is recommended that within Moray we seek advice from BAAF and review the need for greater activity and report back to Children & Young People's Services Committee in the report referred to at (3) above.

- 3.9 It is proposed that the Kinship Care Social Worker will be the contact for notification by parents or private foster carers and she will be the contact for advice to other professionals.
- 3.10 A full set of draft 'Private Fostering Procedures 2010' are available in the Members' Library and on the Elected Members' Information Site (Portal).

#### **4. SUMMARY OF IMPLICATIONS**

##### **(a) Corporate Development Plan/ Community Plan/ Service Improvement Plan**

The development of procedures for Private Fostering arrangement relates to a Service Priority in the Community Services Department's Improvement Plan for 2009/10 – Increasing Care Placement Options

##### **(b) Policy and Legal**

The focus on the development of Private Fostering Procedures in Moray is required by the Scottish Governments' strategy document 'Getting it Right in Kinship and Foster Care'; The Foster Children (Private Fostering) (Scotland) Regulations 1985.

##### **(c) Resources (Financial, Risks, Staffing and Property)**

###### **Finance**

Costs associated with the implementation of the recommendations will be contained within existing resources.

###### **Staffing**

The Kinship Care Worker referred to earlier in this report is an existing post within the Community Services Department. The number of enquiries regarding Private Fostering will be audited and reported on September 2012 and annually thereafter.

###### **Property**

There are no property implications relating to this report.

###### **Risks**

- There are no Private Fostering arrangements currently registered in Moray and there is a need to ensure any such arrangements are known to the Council.
- The public need to be advised of their responsibilities should they be seeking or offering private fostering arrangements.

- Private Fostering arrangements are likely to be inspected by the scrutiny body which will replace the Care Commission in April 2011.

**(d) Consultations**

Katrina McGillivray, Senior Personnel Adviser, Deborah Brands, Principal Accountant and Rhona Gunn, Acting Principal Solicitor (Litigation and Licensing) have been consulted in the preparation of this report and are in agreement with the content relating to their areas of responsibility.

**5. CONCLUSION**

- 5.1 “Private Fostering – the unknown arrangement? – A report by the Care Commission on private fostering arrangements in Scotland” advises that there are only 16 private arrangements reported within Scotland; these numbers are low. There are duties placed on the local authority to ensure that the public is aware of their responsibilities and agencies within Moray are aware of their duties in respect of Private Fostering. This is to make sure that care arrangements made for children are appropriate for their care and protection.**

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Background Papers: available from Members’ library and portal  
Ref: HB776752