



Children Families & Learning Department

**Private Fostering Procedures**  
**for Social Workers**

Version 6

Issued January 2011

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## 1. **Background Information**

Privately fostered children are those whose parents have made arrangements, independently of the local authority, for their children to be cared for and provided with accommodation by someone who is not a relative for more than 28 consecutive days.

Private fostering has been a long-standing problem involving children who are potentially very vulnerable. The Children Act introduced additional requirements relating to privately fostered children and young people but inspections conducted by the Social Services Inspectorate in 1994 and 2001 showed great variety in practice within the authorities which were inspected. They also raised concern that there could be significant numbers of children in these placements who are not known about by local authorities.

Over the years, various other reports have drawn attention to the fact that the existing situation is not providing proper protection for children placed with private foster carers. One of the issues that the Victoria Climbié case raised was the use of private fostering as a childcare service, as the arrangement for her to live with her great-aunt should have been treated as a private fostering arrangement. In response to this enquiry and to lobbying from child care organisations, the Government reviewed and updated the regulations which deal with private fostering and introduced a set of National Minimum standards which have to be met by local authorities. These regulations and standards came into force in July 2005 and local authorities are inspected by Ofsted every 3 years to measure their compliance with the regulations and standards.

## 2. **Legal Background and Definition of Private Fostering**

- 2.1 The legal background comes from part 9 of and Schedule 8 to the Children Act 1989 which have been amended by section 44 of the Children Act 2004. The relevant regulations are the Children (Private Arrangements for Fostering) Regulations 2005.
- 2.2 Private fostering is defined by the Children Act as an arrangement for a child to be looked after for more than 27 days in the home of someone who is **not** a parent, guardian or relative. The child has to be under the age of 16 or under the age of 18 if he or she has a disability.
- 2.3 The definition of a relative, as applied to private fostering, comes from the Children Act and therefore only includes grandparents, brother, sister, uncle or aunt, or step-parent. If the child is living with any other relative, then this will be a private fostering arrangement if it last for more than 27 consecutive days.
- 2.4 The child is not privately fostered if the person caring for him or her has been doing this for less than 28 days and does not intend to carry on the arrangement for longer than 28 days.

2.5 BAAF has produced a very useful list of common situations in which children are privately fostered, which is summarised as follows:

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

The full version of this list is attached as Appendix A. **Please note that for children in some of the situations on this list, for example trafficked children, private fostering is unlikely to be the only issue and child protection issues are likely to take priority. Please refer to the LSCB safeguarding procedures.**

2.6 There is a checklist attached as Appendix B which should be used to check whether a situation meets the definition of private fostering. This should be used whenever a social worker comes across a situation where a child is living with someone other than his or her birth mother or birth father.

### **3. The Role of Children, Families and Learning in Private Fostering**

3.1 Private fostering arrangements are made directly between the parent and the foster carer. The child does **not** become looked after and the responsibility for safeguarding and promoting the welfare of the child, and supporting the child financially, stays with the parent. The child may or may not be a child in need; this will depend on the individual circumstances.

3.2 We do **not** approve or register private foster carers. Placements cannot be prevented unless the person is disqualified or a prohibition is imposed. We cannot remove the child except under an Emergency Protection Order. The role of the Local Authority is:

- ◆ to satisfy itself about the child's welfare
- ◆ to receive notifications from parents, carers and third parties
- ◆ to visit the child regularly
- ◆ to offer advice and support
- ◆ to promote awareness within their area of the notification requirements.

3.3 The Children, Families and Learning Department will operate a Private Fostering Steering Group which will oversee the way in which the Private Fostering Regulations and Minimum Standards are implemented and developed within the Department. This group will meet quarterly and consist of:

- the Service Manager - Intervention (who will chair the meetings)
- a Locality Team Manager
- the Family Placement Development Officer
- a representative from the Review and Development Unit
- a representative from Education - Designated Officer for Education
- a representative from Health (to be confirmed)
- a representative from Preventative Services
- a social worker from Intervention
- a social worker from Specialist Services

3.4 The Safeguarding Service's Scrutiny Panel will consider the completed assessments of private fostering arrangements within Middlesbrough and make a recommendation about the suitability of the arrangement and whether it will safeguard the child's welfare.

#### **4. Notifications**

- 4.1 People involved directly or indirectly in making private fostering arrangements have a legal duty to notify the local authority about particular things at particular times and the Regulations set out the various requirements.
- 4.2 A person who is planning to foster a child privately must notify the local authority at least 6 weeks before the start of the arrangement. If the planned start date is less than 6 weeks away, the notification must be sent immediately. If the arrangement has already started, the notification must be sent immediately.
- 4.3 Any person, including the parent of a child, who is directly or indirectly involved in arranging for a child to be privately fostered, must notify the local authority as soon as possible after the arrangement has been made.
- 4.4 A parent or other person with parental responsibility who is not involved in arranging for their child to be privately fostered but knows that such arrangements are being proposed, must notify the local authority of the proposal as soon as possible.
- 4.5 When notification has been given of a proposed private fostering, then a further notification must be sent by the private foster carer when the child moves in with them and this must be done within 48 hours of the start of the arrangement.
- 4.6 Similarly, parents and other people who have notified the local authority in advance must also notify the local authority within 48 hours of the child going to live with the private foster carer.
- 4.7 The regulations are very specific about the information which must be provided in any notification about a private fostering arrangement. The full list of requirements is attached at Appendix D. Anyone who is notifying a local authority is expected to give as many of these details as they are able to provide.

## **5. Initial Action After Receiving a Notification**

- 5.1 When a notification of a private fostering arrangement has been received, the Team Manager who received it will allocate the case to a social worker. The computer system should be checked before any visits are arranged, to identify whether the child, private foster carer(s) or birth parent(s) are already known to the Department and if they are, the historical case files should be consulted.
- 5.2 In order to comply with the regulations, the social worker will then be responsible for carrying out the following tasks within 7 working days of receipt of the notification:
- (a) visiting the premises where it is proposed that the child will be cared for and accommodated
  - (b) visiting and speaking to the proposed private foster carer and all members of the household
  - (c) visiting and speaking to the child, alone unless the social worker considers it inappropriate
  - (d) speaking to and, if practicable, visiting every parent of or person with parental responsibility for the child
  - (e) gathering information about and/or discussing the list of matters as specified in the regulations, which is attached at Appendix E.
  - (f) considering whether the direct provision of services or referral to another agency might remove the need for the child to be privately fostered, and taking the appropriate action if it would
  - (g) checking that the notification contains all the information required by the regulations (see Appendix D) and, if practicable, gathering any that is missing
  - (h) carrying out an initial assessment to identify whether the child is a child in need
  - (i) giving the private foster carer written information about the requirements of the Regulations
  - (j) giving the parent(s) of the child written information about the requirements of the Regulations.
- 5.3 After the above actions have been taken, the social worker must make a written report which provides evidence that all the requirements of the regulations have been met. This should be done using the ICS system which is set up to ensure that all the information required by the regulations can be recorded. (Regulation 8 visit – held under Assessments on ICS).
- 5.4 If it is not possible to complete the tasks specified in paragraph 5.2 within 7 working days, this fact and the reasons behind it should be recorded on the child's file and counter-signed by the Team Manager.

- 5.5 If it appears, at this initial stage, that the private fostering arrangement is not going to meet the needs of the child, then the social worker should take reasonable steps to secure a more satisfactory alternative. The child's parent(s) or other person with parental responsibility should normally be fully involved in planning an alternative.
- 5.6 If this is not possible, then the social worker should act in the best interests of the child.

## **6. Responding to Unnotified Arrangements**

- 6.1 If information is received about a private fostering arrangement which has not been notified in accordance with the regulations, then the checklist at Appendix B should be used to clarify whether the arrangement does meet the definition of private fostering. If it does, then a referral should be made and the procedures in the previous section (Initial action after receiving a notification) should be followed.
- 6.2 In order to comply with the regulations, the tasks listed in paragraph 5.2 will need to be carried out. Consideration should also be given to the circumstances that caused the lack of notification and whether any further action is necessary, either in terms of the breach of regulations or in order to protect the child from harm. Situations will vary between, at one extreme, a genuine lack of awareness of the requirement to notify to, at the other extreme, deliberate deception which indicates that the child is at risk.

## **7. Recording Information about Private Fostering Arrangements**

- 7.1 Private fostering arrangements should be entered in ICS using the appropriate headings as follows:-
- Private Fostering Arrangements
  - Regulation 8 Visit (for every visit made to child and carer – found under ICS Assessments)
  - Private Fostering Arrangement Record. (This is the Private Fostering Assessment)

Full guidance regarding ICS recording can be found in the ICS Training Guidance Volume Nine – Private Fostering.

- 7.2 In addition to the case file for the child(ren) in private fostering arrangements, a separate file should be created containing details of the private foster carer. This file should contain
- A basic details sheet
  - Copy of the CRB checks
  - Copy of the Private Fostering Assessment Report
  - Details of the Private Fostering Panel recommendation
  - Copies of any correspondence or notices sent to the private foster carer.

7.3 Once the notification from the Social Worker to the Service Manager is completed a file will be made up by the Service Manager and the file of the private foster carers will be stored in the Service Manager's office.

## **8. Assessing the Suitability of Private Foster Carers**

8.1 Once the initial actions have been completed, it will be necessary to complete an assessment of:

- (a) the capacity of the private foster carer to look after the child
- (b) the suitability of household members
- (c) whether the privately fostered child poses any risk of harm to children already living in the private foster carer's household
- (d) whether those children pose a risk of harm to the privately fostered child

8.2 Enhanced CRB checks should be carried out on the actual or proposed private foster carer and each member of the household aged over 16 years.

8.3 This assessment should be carried out using the dimensions and domains in the Framework for the Assessment of Children in Need and their Families (2000) and should be completed within 42 working days from receipt of the notification or as soon as the outcome of CRB check(s) is known, whichever is the sooner. The assessing social worker must check that all the issues required by the Private Fostering Regulations, which are listed in Appendix E, are included in the report.

8.4 If the assessment brings to light any information relating to a disqualification, prohibition or special requirement in respect of private fostering, this information should be passed to the Service Manager who will seek legal advice on its implications.

8.5 When the assessment has been completed, the social worker and Team Manager should make a recommendation about the overall suitability of the private fostering arrangement.

8.6 The completed assessment document should then be forwarded to the Service Manager for consideration at the next meeting of the Scrutiny Panel.

8.7 If the assessment has concluded that the proposed private foster carer is not suitable to privately foster a child and/or the proposed private fostering arrangement will not safeguard and promote the welfare of the child, the Service Manager will arrange for a legal adviser to attend the meeting of the Private Fostering Panel when the assessment is discussed.

8.8 The assessment is to be recorded on ICS under Assessments – 'Private Fostering Arrangement Record'.



## **9. Ongoing Work with Privately Fostered Children**

- 9.1 Children who are in private foster care must be visited at regular intervals. The requirements are:
- (a) For the first 2 months after the notification is received, while the suitability of the private fostering arrangement is being assessed, visits must be made every 2 weeks.
  - (b) For the first year of the private fostering arrangement, visits must be made at least every 6 weeks.
  - (c) After the first year, visits must be made at least every 12 weeks.
- 9.2 If there is a private fostering arrangement which only comes to light after it has been in existence for some time, then it is deemed to begin when we become aware of it. The schedule of visits should therefore be arranged in accordance with the date when we became aware of it.
- 9.3 In addition to the visits specified in paragraph 9.1, a visit must be made to the child when reasonably requested by the child, private foster carer, parent or person with parental responsibility.
- 9.4 The visits specified in paragraph 9.1 are a minimum requirement. For some privately fostered children, they will be sufficient but in other cases, more frequent visits may be needed. The minimum requirements must be met, but the needs of the individual child should be paramount and visits should be made in accordance with this. The agreed visiting plan for each child should be entered on the child's plan.
- 9.5 On each visit, the social worker should speak to the child alone unless this is felt to be inappropriate.
- 9.6 On each visit, the social worker must take into account the matters listed in Appendix F and must discuss those which are relevant. This is a requirement of the Regulations.
- 9.7 After each visit, the social worker must record details of the visit and provide evidence that all the requirements of the regulations have been met. Information should also be recorded on ICS using the correct headings.
- 9.8 All children in private fostering arrangements will be given a copy of the BAAF publication 'Private Fostering – what it is and what it means' so that they have written information about what it means to be in private foster care. Each team will have a reference copy of this guide and copies to be given to children should be obtained from the Admin Manager. Before giving this booklet to the child, the social worker should complete the section on the back page giving the relevant contact details for the child to use as and when necessary.

## **10. Ongoing Work with Private Foster Carers.**

- 10.1 As part of the ongoing work with private fostering arrangements, social workers are required to offer advice and support to private foster carers, in order that the foster carers can safeguard and promote the welfare of the foster child.
- 10.2 Private foster carers and prospective private foster carers should be given support and advice on their entitlement to child and other financial benefits and on services available from other agencies. The emphasis of this work should be to signpost the private foster carer towards existing services and community facilities whenever possible and appropriate.
- 10.3 However children in private foster care may have special needs due to being separated from their birth families or because of their religious persuasion, racial origin or cultural and linguistic background. Social workers need to be aware of these factors within private fostering arrangements so that they can offer advice aimed at helping the private foster carer to meet the child's needs to the best of their ability. This should include encouraging and supporting the private foster carer to promote and facilitate regular contact between the child and his/her parents, siblings, other relatives or significant people, where this is in the child's best interests.
- 10.4 Private foster carers must be given the contact details of the social worker who will be visiting them and the child they will be privately fostering.

## **11. Ongoing Work with the Parents of Privately Fostered Children**

- 11.1 The parents of children in private fostering arrangements should also be given advice and support. If the parents of the child do not live in Middlesbrough, it will be necessary to liaise with the authority where they are living.
- 11.2 The work completed with parents should include advice and support aimed at preventing the need for the child to be privately fostered. If the direct provision of services or referral to another agency would avoid the need for private foster care, then the appropriate action should be taken whenever possible.
- 11.3 Parents of children in private foster care should be encouraged and supported to maintain regular contact with their child and the private foster carer.
- 11.4 Parents of children in private foster care must be given the contact details of the social worker who they can contact if they have any concerns about their child or if they wish to request a visit.

## 12. Supervision by Managers

- 12.1 During the first 2 months of involvement with a child in a private fostering arrangement, the Team Manager must supervise the case on a monthly basis. After the first 2 months, the case must be supervised every 3 months.

This document was written and reviewed by:

|              |                                  |
|--------------|----------------------------------|
| Issued: V4   | November 2009                    |
| Reviewed by: | Private Fostering Steering Group |
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| Reviewed by: | Private Fostering Steering Group |
| Issued V6:   | January 2011                     |

**List of Common Situations in which Children are Privately Fostered**

◆ **African and African Caribbean Children with Parents or Families Overseas.**

These children may come from countries such as Nigeria, Ghana, the Ivory Coast, Liberia and Sierra Leone. Their parents may send them to live with distant relatives or other casual acquaintances in the hope that the children will have “a better life” and receive a good education. In these situations parents may remain in the African country and therefore be unable to exercise their parental responsibility effectively. The reason for the children entering the country, and perhaps their parentage, may not be clear at the port of entry because of anxiety about immigration restrictions. Practitioners have noted an increasing group of Caribbean children, in particular Jamaican children, whose parents are also still overseas or in some case who have died; these children are likely to be living with extended family or family friends.

◆ **Black and Minority Ethnic Children with Parents Working or Studying in the UK**

Generally these children are babies or very young, their parents have demanding careers or jobs, work unsocial hours (e.g. in the restaurant trade) or may be studying to improve their prospects. They sometimes arrange for their children to be cared for by extended family members (but not members of the immediate family as defined in the Children Act 1989) or by other people known to them from within their own community. Others arrange for their children to be looked after by strangers, identified often through recommendation because the carer(s) have privately fostered other children, or through word of mouth or informal advertisement.

Parents may have approached the social services department hoping to find a carer but discover that only child minders are available and they cannot have children overnight for any length of time – and the parents find the fees too expensive. These children, placed outside the community, are often placed transracially in rural areas and their carers may have little understanding of racial identity and the impact of broken attachments and separation.

◆ **Asylum Seekers and Refugees**

These children may arrive in this country seeking asylum, travelling with other adults who may not even be known to their family in their country of origin, but because they were brought in by someone they were not considered ‘unaccompanied’ at the time of arrival. Other children, who have acquired refugee status, may be living in similar situations. Their isolation, immigration status, lack of understanding of available services and lack of knowledge of the English language, will all contribute to their vulnerability.

◆ **Trafficked Children**

These children are brought into this country for the benefit of adults. They may have been ‘bought’ from their birth family in order to be sent as servants to more affluent families, sometimes from a similar background, or they may have been acquired for prostitution. They are generally young teenagers, may not speak the language and are not easily identified as they rarely attend schools. These children are privately fostered by those adults with whom they are living, even though they do not act as parents or are seen as such by the children. **These children are at great risk.**

◆ **Local Children Living Apart from their Families**

Children may live apart from their parents for a range of different reasons. They may have had only one parent taking responsibility for them and, due to this parent's death, imprisonment or working commitments away from home, the child may be living with former neighbours or kinship carers. Some infants and young children whose parents abuse drugs and alcohol may be left with different acquaintances for lengthy periods of time. Others may have parents with mental health problems or simply be unable or unwilling to care for children. Some Caribbean and African children who are born in the UK are cared for in their wider local community which is an accepted cultural practice.

◆ **Adolescents and Teenagers Estranged from their Families**

These children may be estranged from their own families, perhaps through behaviour their parents find unacceptable. They may have run away because they are unhappy or being abused or they may have been "thrown out" as a result of arguments at home. Sometimes their parents' own relationship may have broken down and the children are considered to be too disruptive to the reconstituted family relationships. Practitioners are observing that many privately fostered teenagers in this category appear to have similar histories and behavioural and emotional profiles to the children in the looked after system. Parents may have tried to get their children accommodated by the local authority without success. Others will have allowed their children to live with family friends or with their older sexual partners of the family home where their boyfriends/ girlfriends live. Some of the adults these children find to live with will be grossly unsuitable.

◆ **Children Attending Language Schools**

Children may be studying English at day language schools and have come from a wide range of countries. Amongst the many thousands who do so, a significant number will stay with host families for periods exceeding the 28 day period or may move between host families for a total period exceeding 28 days which still therefore falls within the private fostering definition. The children's knowledge of English or of 'normal' English family life may be slight and they can be very vulnerable. The school may vet the families to some extent but others will have no safeguards in place at all. Other children may be on holiday exchanges.

◆ **Children at Independent Boarding Schools Who Do Not Return Home for Holidays**

Some children may not return to their parents during holidays, particularly where the parents are working overseas, and other people are caring for them for more than 27 days.

◆ **Children Living with Host Families for a Variety of Reasons**

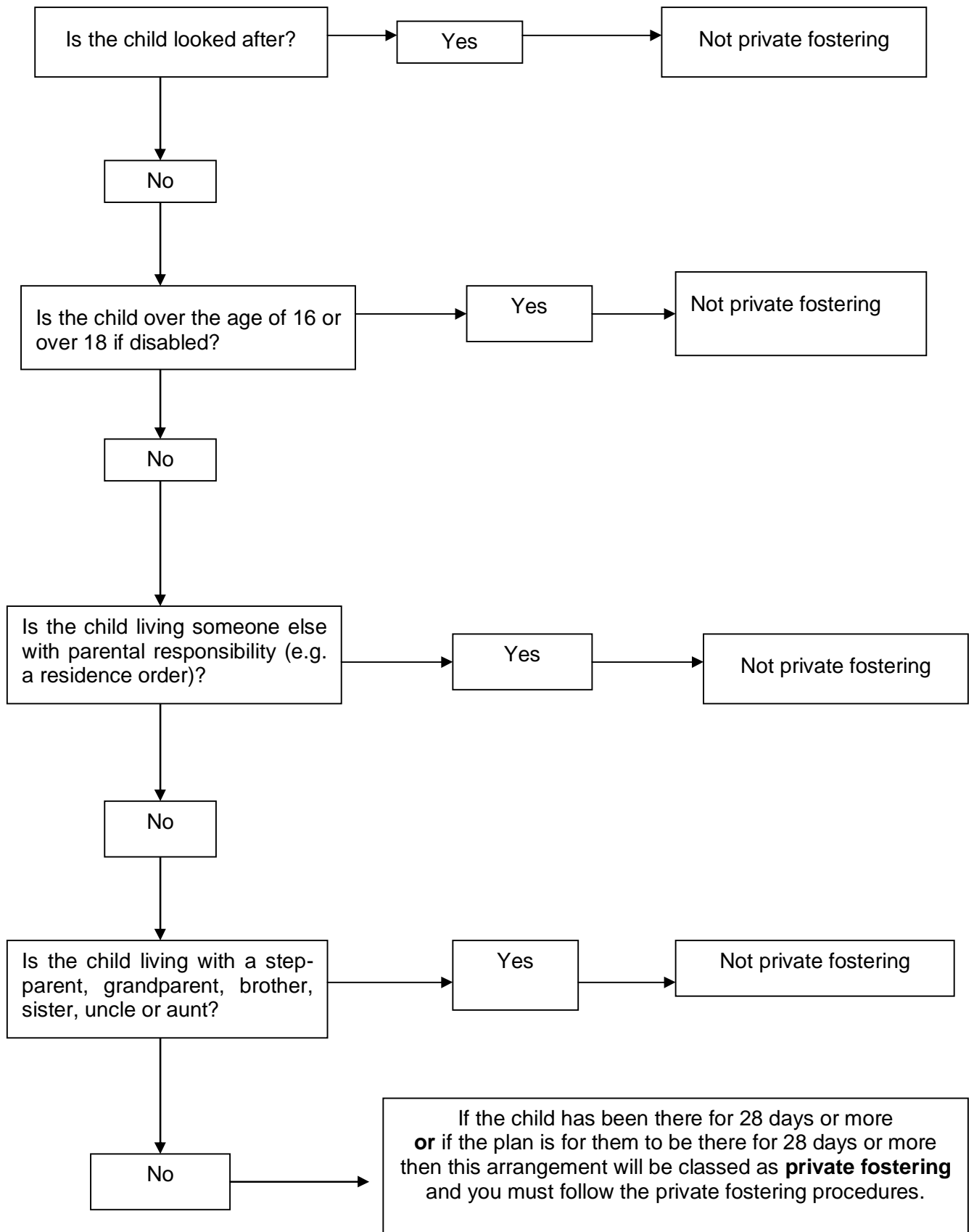
Some charitable organisations and other individuals arrange for children to come into this country for a variety of purposes. These include holidays for disadvantaged children, education, medical treatment and sports trainees (e.g. football). During their stay, they may be placed with host families.

◆ **Children Brought in from Abroad with a View to Adoption**

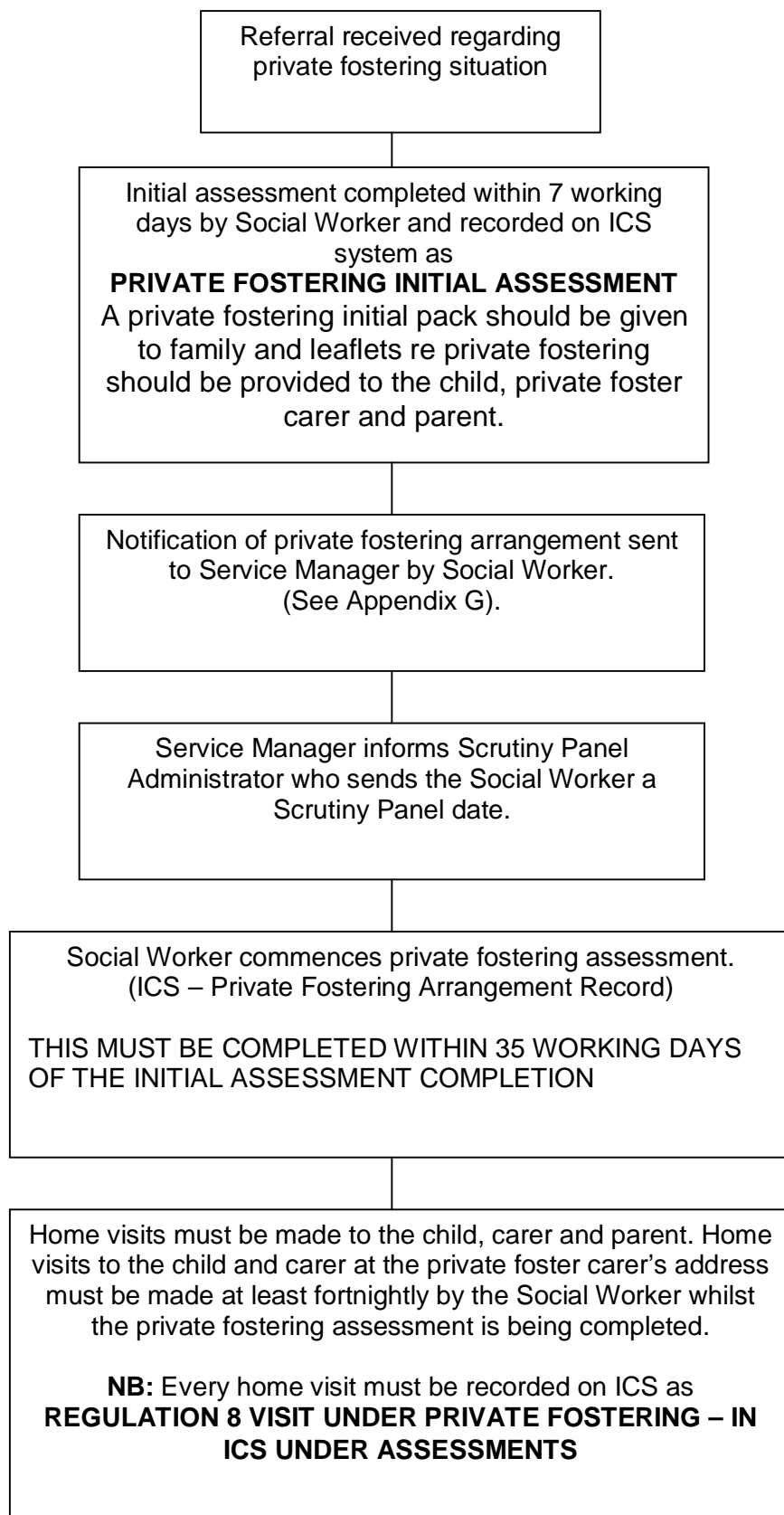
Some children are brought into this country ostensibly for other reasons but may really be intended to be adopted. Others may form close relationships with the families caring for them and then adoption may be the plan. All of them would legally be defined as privately fostered until formal notice of intention to apply to adopt is given. In addition, some children who are also subject to a form of interim overseas adoption order or 'entrustment' which will be finalised in due course in their country of origin, are also considered by the DfES to be privately fostered.

Based on a handout compiled by BAAF in June 2005

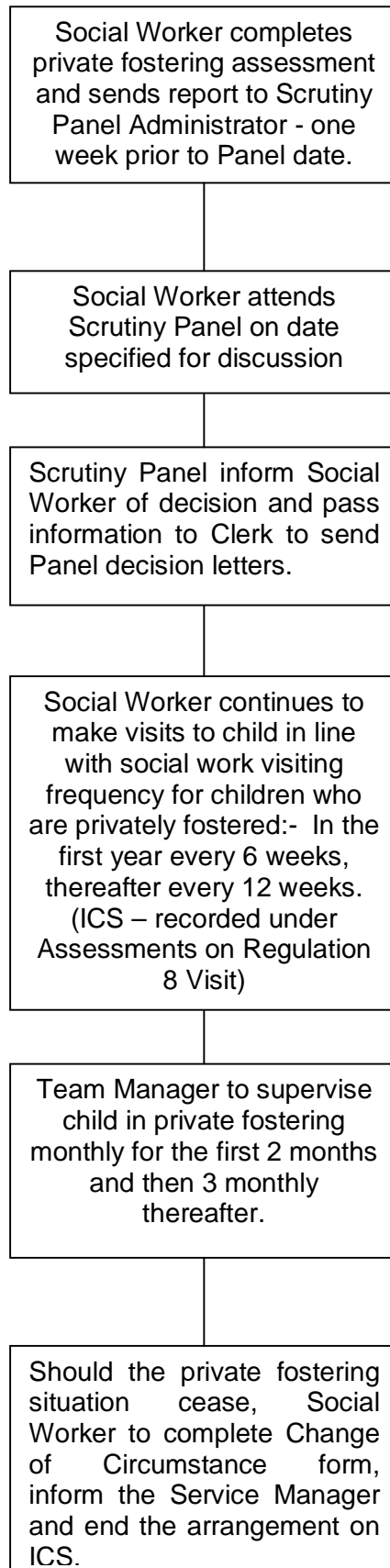
**Flowchart for Use When a Child is Living with Someone Other Than a Parent**



**PRIVATE FOSTERING ACTION FLOWCHART**







**Information to be Provided in the Notification Letter**

**Part A**

This information should be provided (as far as possible) by anyone who sends a notification.

- (a) the name, sex, date and place of birth, religious persuasion, racial origin and cultural and linguistic background of the child;
- (b) the name and current address of the person giving the notice and his addresses within the previous five years;
- (c) the name and current address of the proposed or current private foster carer and his addresses within the previous five years;
- (d) the name and current address of the parents of the child and of any other person who has parental responsibility for the child and (if different) of any person from whom the child is to be, or was, received;
- (e) the name and current address of the minor siblings of the child, and details of the arrangements for their care;
- (f) the name and current address of any person, other than a person specified in subparagraph (d), who is or was involved (whether or not directly) in arranging for the child to be fostered privately;
- (g) the date on which it is intended that the private fostering arrangement will start, or on which it did start; and
- (h) the intended duration of the private fostering arrangement.

**Part B**

This information should be provided when the private foster carer sends a notification.

- (a) any offence of which he has been convicted;
- (b) any disqualification or prohibition imposed on him under section 68 or 69 of the Act or under any previous enactment of either of those sections;
- (c) any such conviction, disqualification or prohibition imposed on any other person living in or employed at the same household;
- (d) any order of a kind specified in regulations under section 68 of the Act made at any time with respect to him;
- (e) any order of a kind specified in regulations under section 68 of the Act made at any time with respect to a child who has been in his care; and

- (f) any rights or power with respect to a child that have been at any time vested in an authority specified in regulations under section 68 of the Act under an enactment specified in those regulations.

**Matters to be Established after Receipt of a Notification**

- (a) that the intended duration of the arrangement is understood by and agreed between—
  - (i) the parents of the child or any other person with parental responsibility for the child; and
  - (ii) the proposed private foster carer;
- (b) the wishes and feelings of the child about the proposed arrangement (considered in the light of his age and understanding);
- (c) the suitability of the proposed accommodation;
- (d) the capacity of the proposed private foster carer to look after the child;
- (e) the suitability of other members of the proposed private foster carer's household;
- (f) that arrangements for contact between the child and his parents, any other person with parental responsibility for him, and other persons who are significant to him, have been agreed and understood and that those arrangements will be satisfactory for the child;
- (g) that the parents of the child or any other person with parental responsibility for him and the proposed private foster carer have agreed financial arrangements for the care and maintenance of the child;
- (h) that consideration has been given to, and necessary steps taken to make arrangements for, care of the child's health;
- (i) that consideration has been given to, and necessary steps taken to make arrangements for, the child's education;
- (j) how decisions about the care of the child will be taken; and
- (k) whether the proposed private foster carer, the parents of the child, any other person with parental responsibility for the child, or any other person concerned with the child are being given such advice as seems to the authority to be needed.

**Matters to be Established During Visits to Children in Private Fostering Arrangements**

- (a) that the intended duration of the arrangement is understood and agreed between—
  - (i) the parents of the child or any other person with parental responsibility for the child; and
  - (ii) the private foster carer;
- (b) the wishes and feelings of the child about the arrangement (considered in the light of his age and understanding);
- (c) that the child's physical, intellectual, emotional, social and behavioural development is appropriate and satisfactory;
- (d) that the child's needs arising from his religious persuasion, racial origin, and cultural and linguistic background are being met;
- (e) that the financial arrangements for the care and maintenance of the child are working;
- (f) the capacity of the private foster carer to look after the child;
- (g) the suitability of the accommodation;
- (h) that the arrangements for care of the child's health are in place and, in particular, that the child is included on the list of a person who provides primary medical services pursuant to Part 1 of the National Health Service Act 1977
- (i) the arrangements for the child's education;
- (j) the standard of the care which the child is being given;
- (k) the suitability of members of the private foster carer's household;
- (l) whether the contact between the child and his parents, or any other person with whom contact has been arranged, is satisfactory for the child;
- (m) how decisions about the child's care are being taken; and
- (n) whether the private foster carer, the parents of the child, any other person with parental responsibility for the child, or any other person concerned with the child are being given such advice as appears to the authority to be needed.

**PRIVATE FOSTERING NOTIFICATION**

**To: Sam Addison Intervention Service Manager**

**From: Social Worker Team Manager**

**Date:**

**Child's Name:**

**D.o.b.:**

**ICS No:**

**Date became private fostered:**

**Private foster carer's name:**

Please find above the details of a child/young person who has become privately fostered in Middlesbrough Local Authority.

Please notify me of a Scrutiny Panel date in order to present the private fostering assessment.

**Copy to Pam Spooner, Scrutiny Panel Administrator**