

## Private Fostering in East Dunbartonshire Council

Are you looking after someone else's child?

If the answer is 'yes' you are required by law to let us know about this.

Under legislations a child is considered as living in private foster care if:

- they are under minimum school leaving age
- cared for by a person who is not a relative or guardian
- a child is not considered a private foster child he/she is looked after and accommodated by the local authority
- a child is not considered a private foster child he/she is in residential establishment as a boarder or by being placed here by the local authority
- a child is not considered a private foster child he/she is in hospital
- a child is not considered a private foster child he/she is in the care of the person for less than 28 days and there is no intention for the person to continue to care for the young person on a long-term basis.

If you think you are offering private fostering to a child you **must** let us know.

## **Private Fostering - Local Authorities Responsibility**

### 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. The main responsibility of the local authority is to secure the welfare of the child. This information 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 information 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, that a child has moved. 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 living within one week of the placement being notified to check that they are adequate for the child's needs.

#### **Interviewing the carers.**

- Obtaining a medical 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.

Once we have received a notification from you we will then complete an assessment.

Support will be given to you and home visits will be made on a regular basis.

Don't delay - get in touch and, even if you are unsure, always ask questions.  
Remember you are required by law to inform us.

(Link to website)

## Are you a private foster carer?

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

You might be a private foster carer without realising it.

For example, are you looking after a friend's child while they work away from home? Has your neighbour had trouble coping with a new baby and asked you to look after it for a few weeks? Have friends from abroad asked you to let their child stay with you while they attend school here?

If so, this is private fostering and you have a legal responsibility to inform your local authority. There are many more examples and your social work department will be able to advise you if you are unsure. The local authority has a responsibility to secure the welfare of all privately fostered children so they need to carry out a number of checks.

The most important aspect of private fostering is the safety and welfare of the child and these reports and checks are there so that the Social Work Department can provide you with any advice and support you might need.

There are other duties in relation to care and education and other aspects of the child's welfare. The courts ultimately decide how the law should be interpreted. So, if you think that you might be, or are soon to be, a private foster carer, or if you are a parent or guardian who intends to place your child in someone else's care, please read the guidelines.

Your local authority can then help you ensure that the child is safe, happy and secure, no matter what their circumstances.

## Responsibilities of Parents or Guardians

If you are a parent or guardian and you intend placing a child under school leaving age in someone else's care, who is not a close relative or an approved foster carer, for more than 28 days, this is what you should do:

- **At least two weeks** before the placement begins, you should contact your local authority Social Work Department and let them know what you intend to do.
- If the child has been placed in someone else's care in an emergency, you should contact the Social Work Department **within seven days** of the emergency.
- You should give the Social Work Department certain information in writing; this will include where the child will be placed, who will be responsible for their care and any other information which the Social Work Department requires from you.

## Responsibilities of Carers

If you are planning to take someone else's child into your care for more than 28 days who is under school leaving age and not closely related to you, this is what you should do:

- **At least two weeks** before the placement begins, you should contact your local authority Social Work Department **in writing** and explain what you intend to do.
- If the child is placed with you in an emergency, you must let the Social Work Department know within seven days of the placement.
- If you change address while caring for the child, you must inform the Social Work Department in the area you are moving from **and** the area you are moving to.
- If the child dies, or is removed from your care, you should inform the local authority Social Work Department within 48 hours.

## Frequently Asked Questions

### If private fostering is a private arrangement, why is there legislation?

The legislation governing the care of children in private fostering arrangements is there to protect the welfare of the child. This is the most important aspect of any private fostering arrangement. Local authorities have an obligation to secure the welfare of every privately fostered child under the Foster Children (Scotland) Act 1984.

### What will the Social Work Department do when I contact them?

The Social Work Department is there to provide any advice or support you or the child might need while in your care. They will require certain details such as who will be the main carer, where the child will be living, their health and school history, their interests, religion, dietary needs, etc. The Social Work Department will also need to be assured that the child is safe and well cared for and someone may come and talk to you about this.

### What will happen if I fail to notify the Social Work Department?

Failure to notify the local Social Work Department is an offence punishable by fine or imprisonment or both. Remember, the local authority is there to help and support you and to ensure the welfare of the child.

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

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