

Kingston and Richmond LSCBs.

Keeping Children and Young People Safe from Harm, Abuse and Neglect Independent Schools and Private Fostering

What is considered to be private fostering in the context of independent schools?

- A child under the age of 16 who is a pupil at an independent school and lives at the school during school holidays for a period of more than two weeks, will be treated as privately fostered unless any exemptions apply (see below)
- A child is privately fostered where a person assumes personal care in a capacity which is not part of their duties in relation to any school in which the child is receiving fulltime education, if the duration of the placement is or is intended to be 28 days or more.

A person who proposes to accommodate a child or children at school in circumstances in which some or all of them will be treated as private foster children must give written notice of his or her intention to the Local Authority, stating the estimated number of children, not less than 2 weeks before the arrangements begin. Local Authorities are required to carry out an assessment and to monitor the arrangement.

When the period of private fostering ends, the person caring for the child at the school must give written notice to the appropriate Local Authority's Children's Social Care Department.

If a privately fostered child dies, the person caring for the child at the school must give written notice not later than 48 hours after the death to each parent and/or other person with parental responsibility and to the appropriate Local Authority.

- Arrangements made by parents for their children to be privately cared for in order that they can attend school on a daily basis may constitute private fostering.
- Some children at independent schools spend holiday periods with host families.

These arrangements may be considered private fostering if the length of stay is 28 days or more and the child is under 16 (or 18 if disabled).

- Where parents make arrangements for children from abroad to be privately accommodated for holiday periods, these arrangements may constitute private fostering.

Independent Schools and Guardianship Organisations

Guardianship organisations provide "guardians" with whom children who are at boarding school can live when the school closes during the holidays and the child is unable to return to live with his/her parents. This usually applies to children whose parents are abroad and, for whatever reason, cannot have the child back with them. Where such arrangements are intended to last for more than 28 consecutive days then they should be treated as a private fostering arrangement.

Children who are educated at independent schools will fall under private fostering arrangements only when they remain in school (or in a placement arranged by the school) for longer than two weeks of any holiday period. Term time attendance does not constitute private fostering.

These checks can reasonably be made in all situations:

- Confirmation of the child's identity and immigration status;
- Confirmation of the carer's relationship with the child and their immigration status;
- Passports, visas, immigration documents, birth certificates, adoption Documents;
- Travel to the UK, from country of origin, and through what other Countries;
- Other agencies for registration (GP, school etc) and arrangements for education and health care.

Why should you tell the Local Authority about private foster care arrangements?

- A child could be at risk.
- It is an offence for the carer and parent not to notify the local authority, without reasonable cause.
- If you are a private foster carer, you could be putting yourself and your family at risk and miss out on help and support.
- If you are a professional or agency working with children you have a duty under **Section 10** of the **Children Act 2004** to tell the Local Authority of any child or young person who is being, or is going to be, privately fostered.

Call the SPA in Kingston [0208 574 5008] or Richmond [0208 8917969] if you have concerns about a child or queries about private fostering.

Appendix:

What is private fostering?

The Children Act 1989 (Section 66) defines Private Fostering as occurring when a child or young person under 16 years old (or under 18 if disabled) goes to live with someone for 28 days or more by private arrangement (without the involvement of a local authority) with someone who is not a:

- parent;
- close relative (defined in the 1989 Act as a brother, sister, aunt, uncle, grandparent or step parent)
- guardian or a person with parental responsibility.

Private foster carers might be:

- friends of the child's family
- someone willing to care for the child of a family they don't know; or
- relatives not mentioned in the list above, for example a cousin or great aunt.

Examples of private foster care arrangements:

- children sent to this country for education or health care by parents or guardians living overseas;
- Teenagers living with a friend's family as a result of problems at home;
- children on holiday exchanges;
- children whose parents' study or work involves unsociable hours, which make it difficult for them to use ordinary day care or after school care.

Exemptions:

- A child is not privately fostered whilst being looked after by the Local Authority.
- A child is not privately fostered whilst being cared for in:
 1. A children's home
 2. Accommodation provided for or on behalf of any voluntary organisation
 3. Any school in which he or she is receiving full time education
 4. A health service hospital
 - 5 Any residential care home, nursing home or mental nursing home
 6. Any other home or institution provided and maintained by the Secretary of State.
- A child is not privately fostered if cared for in premises in which any parent, person with parental responsibility or relative who has assumed responsibility for the child's care is living.

Relevant Guidance and Regulations:

- The Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013;
- Delegation of authority: Amendments to the Children Act 1989 Guidance and Regulations, Vol 2: Care Planning, Placement and Case Review-July 2013.
- Assessment and approval of foster carers: Amendments to the Children Act 1989 Guidance and Regulations, Volume 4: Fostering Services – 15 July 2013.