



Private Fostering

Private fostering is an arrangement whereby a child under the age of 16 (or 18 if the child has a disability) is placed for 28 days or more in the care of someone who is not the child's parent/s . ([S.66 Children Act 1989](#))

Private foster carers can be from the extended family, e.g. a cousin or a great aunt, **but cannot be a relative**. A relative under the Children Act 1989 is defined as a: *'grandparent, brother, sister, uncle/aunt (whether full blood/half blood or by marriage/civil partnership) or step-parent'*. If the parent places their child with a grandparent, brother or sister, aunt or uncle (by blood or marriage) or a step-parent, this is not a private fostering arrangement.

Examples of children who might be privately fostered are:

- Children staying with a friend of the family because of parents separation, divorce or problems at home
- Children staying with extended family such as a cousin or great aunt
- Children sent to this country for education or health care by birth family living overseas
- Teenagers living with family of a boyfriend or girlfriend
- Children whose parents work or study involves unsociable hours which makes it difficult for them to use ordinary day care or afterschool care
- Teenagers who have broken ties with their parents and are staying with friends
- Children living with host families whilst pursuing courses of study
- Asylum seekers and refugees
- Trafficked children
- Children at independent Boarding schools who do not return home for holidays
- Children receiving respite care provided by someone other than a relative
- In these situations the local authority's children's services department must be informed. It is the local authority in whose area the privately fostered child resides that has legal duties in respect of the child.

Private Fostering is very different from the care of children formally provided by local council through approved foster carers



The Children Act 1989 places a legal duty on local authorities to protect and promote the welfare of privately fostered children, to check that the arrangements for the child/ren are safe and that the child/ren are well cared for. Section 44 of the Children Act 2004 extended these duties to include children who are proposed to be, but not yet, privately fostered. The duties are set out in the [Children \(Private arrangements for Fostering\) Regulations 2005](#).

The local authority will put the needs of the child first and work with parents and carers to make sure the arrangement is right for the child. Children's Services will need to undertake an assessment of the circumstances and be satisfied that the arrangement is safe and secure for the child; that the child is safe and happy with the arrangement and that the carers are:

- trustworthy – police checks will be made on the carer and household members
- able to provide a home that is safe for the child
- are supported to care for the child if necessary
- able to look after the child's physical, emotional, educational and cultural needs

Private fostering arrangements can be a positive response from within the community to difficulties experienced by families. Nonetheless, privately fostered children remain a diverse and potentially vulnerable group of children.

There is also a legal requirement for parents and private foster carers to notify the local authority about a proposed private fostering arrangement six weeks before the arrangement is made. If no advance notification has been given there is a requirement for parents and private foster carers to notify the local authority of the existing private fostering arrangement.

Multi-agency practitioners working with children and young people may come across private fostering arrangements and have a shared responsibility to work together to ensure that all privately fostered children are well cared for and safeguarded from harm. A practitioner must inform the local authority about any private fostering arrangement of which they become aware at the earliest opportunity.

Additional Resources:

[Children's Act 1989: private](#)

[National Minimum Standards for Private Fostering](#)

[Fostering Coram BAAF private](#)

[Someone else's child: A film about private fostering](#)

[Kirklees – Private Fostering](#)