

# Inspection of local authority private fostering arrangements 2007–08

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This report presents the findings of the 82 inspections carried out by Ofsted between 1 April 2007 and 11 December 2008. It provides a detailed analysis of inspection findings, the key issues and policy implications arising from inspections and examples of good and poor practice.

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Alexandra House  
33 Kingsway  
London WC2B 6SE

T: 08456 404040  
Textphone: 0161 618 8524  
E: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)  
W: [www.ofsted.gov.uk](http://www.ofsted.gov.uk)

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## Executive summary

Ofsted assumed responsibility for inspections of private fostering from the Commission for Social Care Inspection (CSCI) in April 2007. This report presents the findings of the 82 inspections carried out by Ofsted between 1 April 2007 and 11 December 2008. It provides a detailed analysis of inspection findings, the key issues and policy implications arising from inspections and examples of good and poor practice.

Private fostering is legally defined as an arrangement that occurs when a child who is under 16 (or 18 for a child with learning difficulties and/or disabilities) is cared for by someone other than their parent or a close relative for 28 consecutive days or more. A private foster carer may be a friend of the family or the child's friend's parents. However, a private foster carer is sometimes someone who is not previously known to the family, but who is willing to foster the child privately.

The Children Act 1989 requires parents and private foster carers to give the local authority advance notice of a private fostering arrangement. It also places specific duties on local authorities with responsibilities for children's services. The legislation made what was considered a private arrangement into a public matter by giving local authorities a role in ensuring that children are safeguarded. The death of Victoria Climbié in 2000 drew fresh attention to the importance of these arrangements and the Children Act 2004 Section 44 placed a duty on local authorities to promote public awareness of the notification requirements. These measures were introduced in 2005. The new regulations and the national minimum standards on private foster care, published in 2005, provided the basis of the three-year programme of inspections which began in 2006.<sup>1, 2</sup>

The CSCI carried out 50 inspections of local authorities' private fostering arrangements in 2006–07 and produced a summary of its findings on 40 inspections. Overall, this concluded: 'Whilst all councils have strategies in place, they are very variable in quality and councils are at very different stages in implementing them.' It found that four of the 40 councils had comprehensive strategies and well-developed arrangements in place; six had made significant progress in implementing strategies and this was having some impact on notifications; 22 had not seen a noticeable increase in notifications and needed to give priority to private fostering in order to implement their plans effectively; and eight knew of only one or no privately fostered children in their area and needed to give high priority to this area of responsibility.

Of the 82 inspections carried out by Ofsted between 1 April 2007 and 11 December 2008, three were judged outstanding, 31 good, 27 satisfactory and 21 were inadequate. This profile of inspection judgements contrasts very poorly with other social care inspections conducted by Ofsted and highlights a continued and

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<sup>1</sup> The Children (Private Arrangements for Fostering) Regulations 2005.

<sup>2</sup> *National minimum standards for private fostering*, DfES, 2005.

substantial variation in the quality of oversight of private fostering arrangements by local authorities.<sup>3</sup>

The inspections show that even the most proactive local authorities are finding it difficult to increase the level of notifications, whereby they are informed about when private fostering arrangements have been made. The health services, schools and other generalist services do not appear to be sufficiently aware of their responsibilities to identify privately fostered children and there is evidence of poor understanding about, or resistance to, self-notification by private foster carers and parents.

Local authorities are taking a variety of approaches to delivering their responsibilities. Some of the models being adopted appear to be more successful than others. Further research is needed to assess the types of delivery arrangements likely to lead to the best outcomes for privately fostered children and the circumstances in which they are most likely to succeed.

This report examines a number of specific areas of practice and organisation, including leadership and strategic oversight, equality and diversity, external awareness-raising, internal communication and training, partnership and multi-agency working, internal coordination, and the involvement of and support for parents. Examples of good and poor practice are given for each area.

In July 2008 the joint chief inspectors' safeguarding review concluded that Local Safeguarding Children Boards were not giving high enough priority to the safeguarding of vulnerable groups, including those being privately fostered.<sup>4</sup> In response to the safeguarding review, all local authorities were reminded about their responsibilities by the Department for Children, Schools and Families (DCSF).

Ofsted's *Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2007/08* stated that local authorities were inconsistent in the attention and resources they gave to monitoring private fostering arrangements.<sup>5</sup>

This report therefore reinforces earlier findings that the current regulatory framework is not ensuring that all privately fostered children and young people are safeguarded and that the arrangements work to the advantage of them all, whatever their background and whatever the reasons for the fostering arrangement. Despite their efforts, even the best local authorities are failing to reach some of those children and young people potentially most at risk. In addition, the regulatory framework is not

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<sup>3</sup> *The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2007/08*, p.51, Ofsted, 2008.

<sup>4</sup> *Safeguarding children: the third joint chief inspectors' report on arrangements to safeguard children* (080063), Ofsted, 2008.

<sup>5</sup> *The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2007/08*, Ofsted, 2008.

addressing sensitive issues such as the impact of trans-racial and trans-cultural placements.

## Key findings

- Thirty-four of the 82 authorities were judged good or outstanding in terms of their private fostering arrangements. Twenty-one were found to be inadequate.
- Clear leadership from local politicians and senior managers was an essential element in meeting even the basic requirements of the national minimum standards.
- In general, the local authorities visited were improving the following aspects of fostering provision:
  - publicising information about private fostering and informing agencies, parents and carers about their duty to notify the local authority of private fostering arrangements
  - working on a multi-agency basis to improve private fostering arrangements
  - supporting privately fostered children and ensuring that their individual needs are met
  - forming good links with the Local Safeguarding Children Board.
- The local authorities inspected tended to be doing less well at:
  - meeting the National Standards and the requirements of The Children (Private Arrangements for Fostering) Regulations 2005
  - carrying out robust and thorough assessments of private fostering arrangements, including consistently making the relevant background checks, such as criminal records
  - fully resourcing organisational arrangements and employing staff with sufficient understanding of private fostering and the national minimum standards
  - raising awareness and understanding of private fostering within the local authority
  - maintaining comprehensive, accurate and up-to-date records
  - monitoring, auditing and reviewing their policies and practices in relation to private fostering to help ensure that all relevant children are safeguarded.

## Recommendations

Local authorities should:

- give clear and effective leadership to the development of private fostering arrangements and promote notifications of these

- regularly review compliance with the regulations and national minimum standards to sustain improvements, in conjunction with the Local Safeguarding Children Board
- monitor and review communication and awareness-raising initiatives and adapt approaches accordingly
- ensure that arrangements for notification and support take account of the differing contexts and needs of privately fostered children and young people
- use examples of good practice for self-evaluation to raise standards and reduce the gap in achievement between local authorities.

The Department for Children, Schools and Families should:

- continue to give support, including financial resources, to regular national campaigns to raise awareness about the duty to notify local councils of private fostering arrangements and about the needs of children who are privately fostered.
- provide guidance to local authorities on good practice in increasing notifications, especially by parents and foster carers, but also by the voluntary sector and universal services, such as schools and health services.
- produce guidance for local authorities about implementing national minimum standards and promoting appropriate approaches to safeguarding and supporting the diverse range of children who are privately fostered, in order to reduce variations in administrative arrangements, including specifically:
  - the suitability checks that should be carried out
  - the assessment procedures
  - the decisions concerning designation of privately fostered children as 'children in need'
  - the need for clarity between the different roles of social workers in establishing private fostering arrangements and in approving local authority friends and family fostering placements
  - the support that should be expected from social workers.
- commission research that focuses on the profile and needs of privately fostered children; the circumstances of parents and foster carers; the best methods for raising awareness and notifications; and the different models adopted by local authorities.
- ensure that the revisions to the national minimum standards raise the quality of provision further; take children's views into account; broaden standards to encompass the Every Child Matters outcomes and recognise the diversity of children who are privately fostered

- take into account these inspection findings in deciding whether to introduce mandatory registration for private foster carers.
- consider arrangements with Ofsted for continuing inspections beyond the current cycle and following up authorities judged to be inadequate.

Ofsted will:

- produce further guidance for local authorities so that they can continue to raise standards and to help reduce the gap between authorities' performance
- consider arrangements with the DCSF for continuing inspections beyond the current cycle, including aligning the inspection framework with other Ofsted inspection programmes and following up authorities judged to be inadequate
- ensure that findings from inspections will influence the comprehensive area assessment process and the programme of safeguarding inspections within local authorities
- use the outcomes of future inspection reports to contribute to identification of effective delivery models.

## Background information on private fostering

1. This section provides a definition of private fostering and information on privately fostered children, their parents and their foster carers. Evidence from the inspection reports suggests that insufficient account is taken of the many different contexts in which children and young people are privately fostered.

### Definition of private fostering

2. Private fostering is legally defined as an arrangement that occurs when a child who is under 16 (or 18 for a child with learning difficulties and/or disabilities) is cared for by someone other than their parent or a close relative for 28 consecutive days or more. There are some exemptions to this legal definition as set out in the Children Act 1989.
3. A private foster carer may be a friend of the family or the child's friend's parents. However, a private foster carer is sometimes someone who is previously not known to the family but who is willing to foster the child privately. In this case, the private foster carer and the parents make contact through informal networks. The private foster carer becomes responsible for the day-to-day care of the child and for their welfare, but responsibility for safeguarding the child remains with the child's parents or other people with parental responsibilities. Nevertheless, private foster carers do also have a responsibility to safeguard the child and promote their welfare, as does anyone who has day-to-day care of a child.<sup>6</sup>

### Children who are privately fostered

4. The legal definition of private fostering covers a wide range of circumstances in which children may be privately fostered. A briefing by the Hadley Centre shows that the legal definition of private fostering encompasses:<sup>7</sup>
  - children (often of West African or Chinese origin) whose parents are studying or working in this country and whose hours or location of work or study make it difficult for them to look after their children
  - children at boarding school who live away from their parents in the school holidays, usually because their parents are abroad, and where those arrangements are not made by the school
  - children and young people from abroad who come to study at language schools and are placed with 'host' families for 28 days or more
  - children from abroad on cultural exchanges
  - children who come to this country for medical reasons

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<sup>6</sup> Children Act, 1989, Section 3 (5)

<sup>7</sup> *Briefing on private fostering*, The Hadley Centre, University of Birmingham, 2007.

- private arrangements intended to lead to adoption, usually involving children from other countries
  - children and young people who live with friends after their family has moved, often so they can continue at the same school or college to take examinations
  - young people who go to live with their boy/girlfriend's family, sometimes following an argument at home.
5. In 1991 the Department of Health discontinued the practice of collecting statistics on the numbers of privately fostered children because of the perceived unreliability of the figures. At that time there were around 2,000 private fostering arrangements known to local authorities compared with 10,907 recorded for 1969. However, it was estimated unofficially (mainly by voluntary sector childcare organisations) that the real figure was much higher.
6. In 2001 the Department of Health stated that there were 10,000 privately fostered children but this figure was unreferenced.<sup>8</sup> In a survey carried out in the same year by the Association of Directors of Social Services:<sup>9</sup>
- 61 of the 71 respondents said that most private foster carers did not notify local authorities of arrangements because they did not know that they had to
  - 41 said there was no incentive for them to do so
  - 16 said that carers were worried about the children they cared for being taken away.
7. Although the then Department for Education and Skills (DfES) started collecting statistics again in 2005, following the introduction of the new regulatory framework for private fostering, the number reported at March 2008 (1,330) was still believed to be an underestimate due to low notification rates.<sup>10</sup>
8. The most recent data on private fostering was published in April 2008 by the DCSF, which now collects the relevant information through local authority returns.<sup>11</sup> Since the new regulatory framework was introduced in 2005, there has been a steady increase in notifications. At the end of March 2008, 1,330 children were reported as being cared for in private fostering arrangements in England, compared to 1,250 at 31 March 2007 and 980 at 31 March 2006 – a 36% increase since 2006.

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<sup>8</sup> *Private fostering: a cause for concern*, Department of Health, 2001.

<sup>9</sup> *Local authorities and private fostering*, Association of Directors of Social Services, 2001.

<sup>10</sup> *Private fostering arrangements in England, year ending 31 March 2008*, Statistical First Release (SFR 18/2008), DfES, 2008.

<sup>11</sup> *Private fostering arrangements in England, year ending 31 March 2008*, Statistical First Release (SFR 18/2008), DCSF, 2008.

9. DCSF figures for the year ending 31 March 2008, based on local authority returns, also show that:
  - 1,560 new private fostering arrangements began in 2007–08 and 1,170 private fostering arrangements ended during the year
  - 78% of visits were carried out by local authorities within seven working days of a notification being received, compared with 69% in 2006–07
  - the number of notifications has increased faster in some regions (2005–08) than in others, for example in London and the West Midlands
  - there is a high turnover in private fostering arrangements, with most children and young people staying less than a year.
  
10. Regarding the characteristics of the children, the DCSF statistics also indicate that, of the new private fostering arrangements started during 2007–08:
  - 65% of privately fostered children were aged between 10 and 15 (compared with 68% in 2006–07)
  - the percentages of privately fostered children aged between five and nine and young people aged 16 and over had increased (from 9 to 10% and 14 to 16%, respectively)
  - 70% of privately fostered children were born in the UK (compared with 68% in 2006–07) and 7% were born in Europe (compared with 5% in 2006–07)
  - there was a corresponding decrease in the number of notifications of privately fostered children from Africa (6% compared with 10% in the previous year).

## The regulatory framework for private fostering

11. The Children Act 1989 requires both parents and private foster carers to give the local authority advance notice of a private fostering arrangement. It also places a duty on local authorities with responsibilities for children's services to:
  - visit the foster carer before the child arrives
  - visit every six weeks during the first year of a placement and then every three months
  - satisfy themselves that the child is being properly cared for (covering their needs relating to development, emotional well-being, education, religion, culture, language and race, health and physical care)
  - inspect the accommodation and satisfy themselves as to its suitability
  - ascertain the child's wishes and feelings.
12. The Act gave local authorities powers to inspect premises, to visit privately fostered children and to take relevant steps if they were not satisfied with the children's welfare, including the disqualification of someone from being a private foster carer. Further requirements were set out in associated regulations and guidance.<sup>12</sup>
13. The legislation made what was considered a private arrangement into a public matter by giving local authorities a role in ensuring that children are safeguarded. Despite this, it was widely recognised that the legal framework was not generally known about, complied with or enforced.<sup>13</sup> Although concerns were raised in the Utting review of safeguards for children living away from home, concerted action did not take place until the death of Victoria Climbié in 2000.<sup>14</sup> She had been living in a private fostering arrangement which had not been notified.

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<sup>12</sup> The Children (Private Arrangements for Fostering) Regulations 1991.

<sup>13</sup> Marian Stewart Consulting, *Progress on safeguards for children living away from home*, Joseph Rowntree Trust, 2004.

<sup>14</sup> W Utting, *People like us: the report of the review of the safeguards of children living away from home*, Department of Health and the Welsh Office, 1997.

Lord Laming's inquiries and the subsequent publication of *Every child matters* led to legislative changes in the Children Act 2004.<sup>15</sup> Section 44 of the Act placed a duty on local authorities to promote public awareness of the notification requirements. The Act also introduced additional duties for local authorities, including:

- making enquiries about the suitability of private foster carers before children are cared for by them
- giving advice to parents or anyone concerned with a privately fostered child
- appointing a private fostering officer responsible for monitoring compliance with the notification system
- ensuring that private fostering is among the areas to be addressed by Local Safeguarding Children Boards.

These measures were introduced in 2005.

14. A 'sunset clause' to allow for the introduction of a registration scheme for private foster carers, if the enhanced arrangements proved not to be sufficiently effective, was added because of concerns expressed during the reading of the Bill in the House of Lords. The 'sunset' period was extended to 2011 under the Children and Young Persons Act 2008.
15. New regulations and national minimum standards on private foster care, published in 2005, provided the basis of a three-year programme of inspections, initially carried out by the CSCI.<sup>16, 17</sup>

## Continuing concerns and recent developments

16. Although the number of notifications has steadily increased, this is still considered to be only a small proportion of the actual numbers and there is a concern that notifications do not include many of those privately fostered children who are potentially the most vulnerable. There is slow progress in raising awareness among professionals, low prioritisation of resources and limited public awareness.
17. In 2006 the Government published an updated version of *Working together to safeguard children*.<sup>18</sup> This included a section on private fostering, which set out the duties and responsibilities of local authorities under the Children Act 2004. It also reinforced the requirement for private foster carers and those with

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<sup>15</sup> H Laming, *The Victoria Climbié Inquiry*, The Stationery Office, 2003; <http://www.victoria-climbié-inquiry.org.uk/>.

<sup>16</sup> The Children (Private Arrangements for Fostering) Regulations 2005.

<sup>17</sup> *National minimum standards for private fostering*, DfES, 2005.

<sup>18</sup> *Working together to safeguard children: a guide to inter-agency working to safeguard and promote the welfare of children*, DCSF, 2006.

parental responsibility to notify the local authority of private fostering arrangements, adding that:

'Teachers, health and other professionals should notify the local authority of a private fostering arrangement that comes to their attention, where they are not satisfied that the authority has been, or will be, notified of the arrangement.'

18. The Government's White Paper *Care matters: time for a change* set out proposals to improve the life chances of children in care.<sup>19</sup> It also put forward the Government's intention to review the national minimum standards for children's social care, including those for private fostering.
19. In July 2008 the joint chief inspectors' safeguarding review concluded that Local Safeguarding Children Boards were not giving high enough priority to the safeguarding of vulnerable groups, including those being privately fostered.<sup>20</sup> Joint area reviews found that there had been slow progress in raising public awareness about notification requirements and in providing support for the children involved. The joint inspectors' report also expressed concern that, where children arrive with adults from abroad, it is not easy to detect private fostering arrangements or identify victims of human trafficking and sexual exploitation.
20. Ofsted's *Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2007/08* stated that local authorities were inconsistent in the attention and resources they gave to monitoring private fostering arrangements and that the standards were not yet fully embedded in practice.<sup>21</sup> Shortcomings included: an absence of an identified officer; inadequately trained staff who lacked sufficient knowledge and understanding of private fostering procedures, the regulations and the national minimum standards; and inadequate monitoring systems to enable reporting to Local Safeguarding Children Boards. There was serious concern about the low level of notifications of private fostering arrangements.
21. From 2009, joint area reviews and annual performance assessments of children's services will be replaced by comprehensive area assessments. The Government has decided that this will include regular inspection of safeguarding services for children.

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<sup>19</sup> *Care matters: time for a change*, DfES, 2008.

<sup>20</sup> *Safeguarding children: the third joint chief inspectors' report on arrangements to safeguard children* (080063), Ofsted, 2008.

<sup>21</sup> *The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2007/08*, Ofsted, 2008.

## The inspection process

22. Local authority private fostering arrangements are subject to a three-year programme of inspections, which started in April 2006. During the first year, 50 inspections were carried out by the CSCI.
23. When Ofsted took over the inspection of children's social care services from the CSCI on 1 April 2007, social care inspectors transferred from the CSCI and Ofsted continued to carry out the inspections using the previous frameworks and guidance. However, since April 2007 two changes have been made to the inspection arrangements.
  - The CSCI judgements have been replaced by the four Ofsted categories (outstanding, good, satisfactory and inadequate) to bring them into line with judgements used in other Ofsted reports.
  - New guidance has been issued to improve the consistency of the judgements. This sets out the criteria for each judgement and has been widely disseminated among social care providers, including local authorities.<sup>22</sup>
24. There are seven national minimum standards for private fostering, which are set out in the Annex to this report. Two standards relate to organisational arrangements (raising awareness of relevant staff in the local authority and the monitoring of how the duties and functions are discharged) and five concern outcomes for staying safe. There are no standards relating to the other four Every Child Matters outcomes.
25. Local authorities are currently given two months' notice of their private fostering inspection. The inspection methodology includes case-tracking as part of the fieldwork activity, with a focus on outcomes for children and young people.
26. There are also:
  - interviews with local authority officers, social workers and chairs of Local Safeguarding Children Boards
  - discussions with young people, private foster carers and community groups
  - inspections of records
  - observation of any decision-making processes.

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<sup>22</sup> *Benchmarking guidance on making social care inspection judgements (080042)*, Ofsted, 2008.

27. Each inspection report consists of:

- a summary of the inspection findings, with an overall judgement on the local authority's provision
- a commentary
- judgements for the Every Child Matters staying safe outcome and for organisation
- recommendations to meet the statutory requirements and to improve the quality and standards of care further.

## Commission for Social Care (CSCI) Inspections 2006–07

28. During the first year of the inspection programme (2006–07), the CSCI carried out 50 inspections of local authorities' private fostering arrangements. At the end of that period it produced a summary of its findings on 40 inspections. Overall, this concluded:

'Whilst all councils have strategies in place, they are very variable in quality and councils are at very different stages in implementing them.'

29. The CSCI found that, of the 40 councils in the report, four had comprehensive strategies and well-developed arrangements in place; a further six had made considerable progress in implementing strategies and this was having some impact on notifications; 22 had not seen an increase in notifications and needed to give priority to private fostering in order to implement their plans effectively; and eight knew of only one or no privately fostered children in their area and needed to give high priority to this area of responsibility.
30. The CSCI inspection reports identified that the best authorities were improving their provision through:
- good governance arrangements and comprehensive strategies, including engagement with the Children and Young People's Strategic Partnership and the Local Safeguarding Children Board
  - integrated strategies to promote awareness of private fostering throughout their communities and with all professionals, including the universal services available to all children
  - effective notification systems with someone appointed to monitor notifications and take action if the system is not working appropriately
  - good assessment processes by ensuring that there are sufficient suitably experienced and qualified staff
  - advice and support for children, parents and carers, including proactive engagement with parents, age-appropriate materials in suitable formats to use with children, and training and information sessions for private foster carers.

## Findings of the Ofsted inspections 2007–08

### Overall picture

31. Although a number of local authorities have made concerted efforts to respond to the regulatory framework for private fostering, a substantial number have made little progress and are failing to meet the national minimum standards for private fostering.

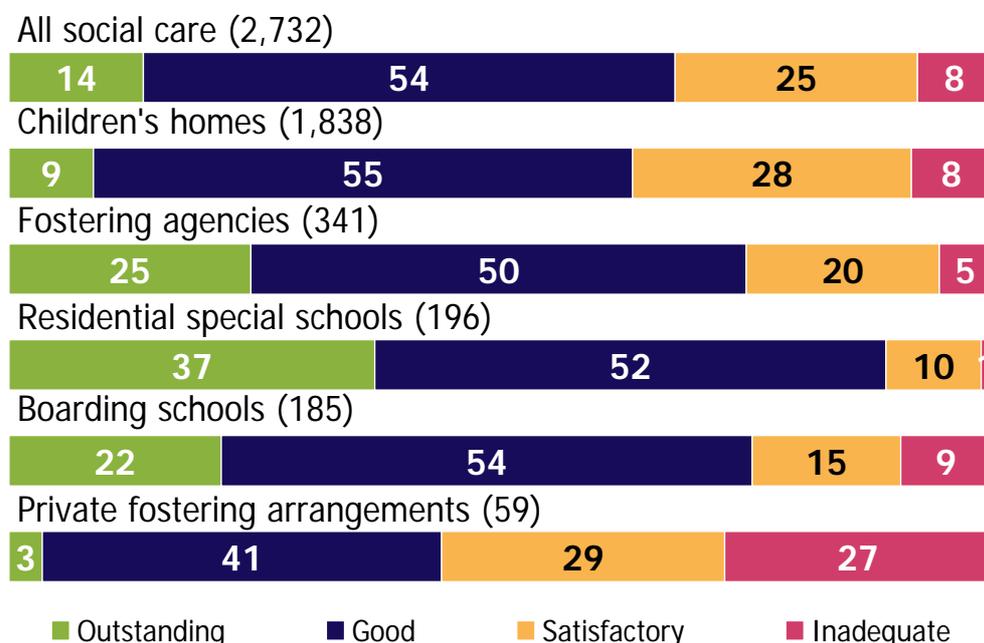
**Figure 1: Quality of local authority arrangements for private fostering inspected between 1 April 2007 and 11 December 2008 (number of local authorities)**

	Total	Outstanding	Good	Satisfactory	Inadequate
Private fostering arrangements	82	3	31	27	21

32. Only 34 of the 82 authorities inspected were judged good or better, while 21 were inadequate. This profile of inspection judgements contrasts very poorly with other social care inspections. Ofsted's Annual Report 2007/08 included a summary of social care inspections carried out between July 2007 and August 2008.<sup>23</sup> The judgements for each type of provision are shown in Figure 2 below. There was a much smaller proportion of outstanding and good judgements and a much higher proportion of satisfactory and inadequate judgments for private fostering than for any other type of social care provision.

<sup>23</sup> *The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2007/08*, Ofsted, 2008.

**Figure 2: Quality of arrangements at most recent inspection of local authorities inspected between July 2007 and August 2008 and active at 31 August 2008 (percentage of providers or arrangements)**



Figures in brackets are numbers of providers inspected.  
 Percentages are rounded and do not always add exactly to 100.

33. In addition to making an overall judgement in their inspections of private fostering, inspectors made separate judgements on:
- how the local authority was meeting the Every Child Matters staying safe outcome
  - the local authority's organisational arrangements.
34. The overall judgement and those for staying safe and for organisation were often, but not always the same. The judgements for organisation were slightly more positive than those for staying safe. Of the private fostering arrangements inspected, three were outstanding, 31 good, 28 satisfactory, and 20 inadequate in promoting children's safety (Figure 3).

**Figure 3: Judgements on staying safe of arrangements inspected between 1 April 2007 and 11 December 2008 (number of local authorities)**

	Total	Outstanding	Good	Satisfactory	Inadequate
Private fostering arrangements	82	3	31	28	20

35. High quality leadership and management are essential to ensure effective arrangements. Of the 82 local authority providers inspected, two were

outstanding, 37 good, 25 satisfactory and 18 inadequate in their organisational arrangements (Figure 4).

**Figure 4: Judgements on organisation of arrangements inspected between 1 April 2007 and 11 December 2008 (number of local authorities)**

	Total	Outstanding	Good	Satisfactory	Inadequate
Private fostering arrangements	82	2	37	25	18

36. The judgements for organisation were slightly more positive than those for staying safe. No judgements were made on the other Every Child Matters outcomes as part of this programme of inspections.
37. In general, the local authorities inspected were making better progress in improving the following:
- communicating information on the duty of parents and private foster carers to notify the local authority of private fostering arrangements and on the responsibilities of relevant agencies
  - working on a multi-agency basis to improve private fostering arrangements
  - supporting privately fostered children and ensuring that their individual needs are met
  - forming good links with the Local Safeguarding Children Board.
38. The local authorities inspected tended to be doing less well at:
- carrying out robust and thorough assessments of private fostering arrangements, including consistently making the relevant checks
  - fully resourcing organisational arrangements and employing staff with sufficient understanding of private fostering and the national minimum standards
  - raising awareness and understanding of private fostering within authorities
  - maintaining comprehensive, accurate and up-to-date records
  - monitoring, auditing and reviewing their policies and practices in relation to private fostering to help ensure that children are safeguarded.
39. The conclusion of the CSCI's 2007 report on the outcomes of 40 inspections of private fostering arrangements was that local authorities were not yet fully implementing the 2005 private fostering regulations. Twenty months later, and after another 82 inspections have been carried out, there are some signs that local authority oversight of private fostering in general is becoming more

robust. Many authorities have reviewed their provision, identified weaknesses and put in place strengthened arrangements. Inspectors have found examples of good practice in some areas.

40. The children and young people who contributed to the Children's Rights Director's second report on the views of privately fostered children and young people also point to some improvements. They commented that the new regulatory framework for private fostering has had a positive impact on them, especially in the amount of say that they are able to have in choosing their carers and in access to social work support.<sup>24</sup>
41. However, inspection findings suggest that there is still a large difference between the performance of those authorities that are doing well and those that are judged inadequate, which means that some privately fostered children are being protected much better than others. This disparity is discussed in more detail in the 'Issues and policy implications' section of this report (see page 40).

### **Main themes**

42. The main themes covered in the inspection reports can be broken down under 15 headings:
  - leadership and strategic oversight
  - promoting equality and diversity
  - external awareness raising
  - internal communication and training
  - resources
  - partnership and multi-agency working
  - internal coordination
  - processes and procedures
  - roles, responsibilities and accountabilities
  - timeliness and quality of assessments
  - involvement of and support for children and young people
  - involvement of and support for parents
  - support for private foster carers
  - documentation and record-keeping
  - monitoring, review and scrutiny.

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<sup>24</sup> *Children's experience of private fostering (070209)*, Ofsted, 2008.

43. For each of the 15 headings, examples of good and poor practice have been identified below. The good practice consists of policies, activities and practices which demonstrate that an authority is innovative and exceeding the national minimum standards. This is primarily found in authorities judged to be good or outstanding, but there are specific examples of good practice in authorities which, overall, have satisfactory or inadequate judgements.
44. The poor practice includes policies, activities and practices that do not meet the national minimum standards and which mean that the authority is potentially placing privately fostered children at risk. The poor practice is largely, but not exclusively, to be found in authorities judged inadequate or satisfactory.
45. In most cases, information on good practice is more detailed than on poor practice, since the latter mainly takes the form of lack of policies, processes and procedures, and the absence of activity. Quotes taken directly from inspection reports are provided where they help to illustrate the text.

## **Leadership and strategic oversight**

### *Good practice*

46. Private fostering responsibilities are taken seriously by the authority, and senior staff communicate the importance of ensuring that privately fostered children are safeguarded. Senior managers have a good awareness of privately fostered children in the area and of their needs. In the best authorities, elected members as well as the most senior managers are involved in promoting effective organisational arrangements.
47. The authority has published on its website and elsewhere a clear and comprehensive statement of purpose, setting out its duties and responsibilities in relation to private fostering. This document covers all the relevant areas and is kept up to date. There is a strategy or plan setting out how the statement of purpose will be implemented and/or an action plan for the ongoing development of the service, which identifies areas for improvement and the relevant actions to be taken to address weaknesses.
48. A senior officer provides leadership of the service. This officer encourages continuous improvement and coordinated action, promoting equality and diversity, prioritising support for private fostering and ensuring continuity of the service, for example by dealing with staff turnover and sickness. The Local Safeguarding Children Board is also providing strong leadership on private fostering.
49. The authority is proactive in identifying private fostering arrangements. Good examples include the auditing of existing files relating to looked after children and encouraging children's services staff and other agencies to identify potential private fostering arrangements. This ensures that assessment

processes can commence as quickly as possible once a formal notification is received.

50. The authority also takes pride in its arrangements for private fostering and ensures that its activities are carried out to a high standard. There is a focus on delivering a child-centred service and on achieving positive outcomes, for example in improved educational attainment and in planning for young people to be reunited with their families. Provision goes beyond adherence to the national minimum standards. Private fostering arrangements end on a planned basis and, when appropriate, children are returned to the care of their parents.

'The council responds to all notifications appropriately. In addition it carried out a review of all social work files in an attempt to identify any private fostering arrangements it may have overlooked.'

#### *Poor practice*

51. A senior officer has not been designated as having responsibility for ensuring the quality of provision. Provision is largely left to operational staff with minimal support from their senior colleagues.
52. The service is generally regarded as being of low priority and the authority has only recently started to address its responsibilities in relation to private fostering. There is no plan for the ongoing development of the service or its improvement. Little progress has therefore been made in implementing the arrangements set out in the statement of purpose; this often does not cover all the relevant aspects, such as training provision, and contains out-of-date information, for example on roles and responsibilities or decision-making processes.

'There are concerns that existing private fostering arrangements are not given sufficient priority. Young people are not safeguarded by the current arrangements.'

'The council has recognised the fact that there has been an absence of leadership in private fostering.'

### **Promoting equality and diversity**

#### *Good practice*

53. Promoting equality and diversity is an integral part of the way the service is provided. A great deal of attention is given to ensuring that private fostering arrangements are appropriate to the gender and race of each child. There is a strong awareness of cultural and faith issues and every effort is made to ensure that these are respected. As a matter of routine, rather than on request, information is translated into the main community languages in the area and it displays positive images of black people and people from minority groups.

Thought is given to disability issues, for example in the assessment of accommodation.

'The service is active in support of the diverse heritage of young people fostered and this is reflected in the regular supervision meetings that take place in the fostering household to establish that the standard of care is appropriate to each young person.'

#### *Poor practice*

54. The authority pays little regard to equality and diversity issues. Materials are not translated into community languages. Cultural and disability issues are not covered in assessments of private fostering arrangements and private foster carers are not encouraged to understand cultural, faith and race issues relating to the children they care for.

#### **External awareness-raising**

#### *Good practice*

55. The authority is proactive and strategic in disseminating information on private fostering, both to the general public and to agencies likely to come into contact with privately fostered children, such as schools, health visitors and doctors. It employs a wide range of methods (leaflets, letters, posters, websites and local newspapers) to do so. The information is available in a wide range of venues, for example schools, doctors' surgeries, youth and community facilities, and places of worship.
56. The materials produced by the authority provide a clear and accurate definition of private fostering, responsibilities for notifying the authority of such arrangements, how to go about notifying the authority and how those involved in private fostering (the children themselves, their parents and private foster carers) can obtain support, information and advice. The information is well presented, eye-catching and easy to understand.
57. The authority not only disseminates general information materials but also targets specific audiences. Communication initiatives include general communication materials, targeted campaigns and materials designed for particular sections of the public. For example, information is translated into the main community languages in an area, rather than just signposting to translation services, and the authority produces age-appropriate materials for children who are, or may be, in private fostering arrangements.
58. Written materials are supplemented by face-to-face sessions such as roadshows and local community events, and training and briefing for relevant professional groupings.

59. Communication is regarded as being an ongoing rather than a one-off activity and the authority constantly seeks to identify ways of improving it. It carries out regular audits of the impact of communication campaigns, the results of which are used to refresh and extend its initiatives. The authority is increasingly working in partnership with other authorities to promote increased understanding of private fostering.

'The service has produced an extensive array of leaflets, posters, and booklets available to the general public. These are in several different languages, and include the legal responsibilities of those engaged in this activity. The local radio station has been used to highlight to the public the need to contact the local authority if they are involved in private fostering arrangements. Advertising on the sides of the local bus service has been another imaginative way of raising awareness of private fostering.'

#### *Poor practice*

60. Some attempt is made to disseminate information on private fostering, but the information available is quite limited. It is available in written form only and is not translated into relevant community languages. Information materials do not contain a clear definition of private fostering and are not easy to read.
61. Although there may have been some attempts to raise awareness of private fostering, communication is not sustained. Information is not targeted at particular communities or sectors. The initiatives are either not assessed or have been introduced too recently to measure their impact. No relevant materials are available for children in private fostering arrangements, their parents or their carers.

'The council made some initial attempts in 2005 to promote awareness of private fostering but has made little progress since.'

'... Council currently has no communication programme or publicity materials designed to raise awareness and promote notification of private fostering arrangements.'

'... the absence of an overall development campaign has resulted in a lack of clarity, understanding and awareness among staff in all agencies about the correct response to private fostering arrangements.'

### **Internal communication and training**

#### *Good practice*

62. The authority gives a great deal of attention to communicating internally. It ensures that all teams and units dealing with children's services have the relevant information on procedures and processes, by producing comprehensive

guidance manuals or 'toolkits', and know where to obtain specialist advice. Information on private fostering is included in induction and other training programmes for children's services staff. It is also communicated to staff in other relevant departments in the authority, such as housing officers, community development staff and legal officers.

63. Staff involved in private fostering are encouraged to update their understanding and to participate in relevant networks and support groups, for example the special interest group on private fostering supported by the British Association for Adoption and Fostering (BAAF).
64. Authorities review the effectiveness of their internal communication arrangements and can demonstrate that staff have a good understanding of relevant issues.

'The service has also recently introduced "private fostering champions", who are senior social work staff with specific expertise and knowledge in private fostering, whom other workers can approach for advice and guidance.'

'An electronic staff survey to ascertain staff understanding about private fostering and to identify future training needs is one of the initiatives included in a robust action plan for this year.'

#### *Poor practice*

65. The authority pays little attention to disseminating information on private fostering internally and, as a result, staff have a limited understanding of correct procedures, the national minimum standards and the contribution they should be making to ensuring that children in such arrangements are safeguarded.
66. Relevant training is often not provided and, even when it is, uptake is low. In the limited materials that are available, private fostering is not properly defined and it is unclear how relevant parties should act on the information; for example, the materials give the impression that notification is optional.

'... there is still a considerable amount of work to be done to ensure that all professionals and staff within the authority are aware of the meaning of private fostering arrangements and their role in identifying them and ensuring the safety of young people placed within a private foster arrangement.'

'There is some confusion and resistance from some social workers in acknowledging the importance of private fostering. Some social workers lack sufficient awareness of the policies and procedures governing private fostering and do not follow them through in practice... '

## Resources

### *Good practice*

67. The authority has either funded a dedicated, knowledgeable and experienced officer (or dedicated staff teams in the larger authorities), or has ensured that there is a lead officer with sufficient time and expertise to deal with private fostering matters. These staff are given the budgets to carry out activities for communication and training.
68. There is forward planning to ensure that adequate staff and other resources are allocated to deal with any predicted increased demand on the service, for example as a result of communication campaigns and for any foreseeable absences or changes in personnel.
69. The authority works with other authorities to use resources effectively on communication and training initiatives.

### *Poor practice*

70. The authority does not have a suitably experienced dedicated officer with the requisite expertise. Those appointed to act as lead officers do not have the time or knowledge to enable the authority to provide an adequate service and ensure that privately fostered children are safeguarded.
71. Responsibilities for various aspects of the service are dispersed among different staff groups, affecting good coordination and consistency. The authority does not plan how it will resource increased workloads that may result from communication initiatives or from staff turnover.

'...the distress caused by frequent staff changes, when traumatic experiences have to be repeated again and again to new workers, was an issue raised.'

'...visits have to compete with other priority demands on children's social work teams. This could be placing some young people at risk.'

## Partnership and multi-agency working

### *Good practice*

72. The authority is proactive in making contact and working in partnership with a wide range of agencies, both as a means of increasing the notification of existing or potential private fostering arrangements and for coordinating support for privately fostered children, their carers and their parents.
73. The authority constantly seeks to extend the range of agencies with which it works in partnership, by including bodies such as the immigration services and Connexions. The authority has good working relationships with relevant faith

groups and those bodies representing the needs of minority groups. Good links are reinforced by the production of a multi-agency protocol on private fostering or a multi-agency delivery plan. There is effective cross-referencing by agencies through links between relevant websites.

74. Those involved in private fostering have good contacts with the Local Safeguarding Children Board, to which they submit regular reports rather than being limited to the statutory annual report. These reports help to provide momentum in the development of the service and to promote and coordinate inter-agency working.

'The local authority has good systems in place to increase awareness of private fostering within local communities and within groups of professionals who come into contact with children, young people and families. A working group has been set up that meets on a regular basis to discuss ideas for increasing awareness and to monitor the effectiveness of initiatives that are implemented.'

'Private fostering is a standing agenda item for safeguarding board meetings.'

'The named person has set up a specialist interest group for workers who have been involved in private fostering to share good practice and to find solutions to common problems.'

#### *Poor practice*

75. Multi-agency working is underdeveloped, with limited links being made with those agencies that have a pivotal role in notifying the authority about private fostering arrangements and in supporting children in such households. Little attempt is made to coordinate their activities. No inter-agency plans or protocols exist.
76. There is a weak relationship with the Local Safeguarding Children Board, which receives minimal or no information on private fostering.

#### **Internal coordination**

##### *Good practice*

77. The private fostering service is fully integrated with other aspects of childcare provision to ensure that children are fully safeguarded before, during and after they are privately fostered. There are particularly strong links with mainstream fostering services to ensure consistency of provision, with support and advice given to private and statutory foster carers and, where relevant, the asylum-seekers or unaccompanied minors teams. There is also joined-up working between the private fostering service and those providing other types of support for safeguarding privately fostered children, such as legal staff.

### *Poor practice*

78. Those involved in private fostering work in isolation from other relevant teams in the authority. This results in inconsistencies in provision, for example in relation to training and support and police checks, and lack of continuity between what happens with children before and after they are privately fostered.

'A number of managers and deputy managers sign off the suitability of arrangements and this leads to inconsistency of decision-making and lack of oversight of placements across the authority.'

### **Processes and procedures**

#### *Good practice*

79. The authority has developed and implemented clear and comprehensive processes and procedures for the notification, assessment, support and monitoring of private fostering arrangements. Training and guidance is provided to ensure that these processes and procedures are consistently followed.
80. Processes for notifying the authority of potential and existing private fostering arrangements are easily accessible and simple to use. There is a clearly defined and understood process for assessing children's needs, the foster carers and the setting. This covers the initial assessment following notification; the full assessment including relevant checks (see below); the signing off of the report by a manager; its presentation to a panel; and the final decision by a senior officer about the suitability of the arrangement. Flow charts are produced to enable staff to follow these decision-making procedures. There are also:
- arrangements for dealing with late notifications so as to cause minimum disruption for the child
  - clear procedures for dealing with instances of private foster carers being deemed unsuitable, including appeal procedures and processes for identifying other suitable arrangements for the young people involved
  - arrangements to ensure that other authorities are notified if a private carer is assessed as being unsuitable and is known to have moved to another area
  - processes to ensure that follow-up visits are carried out at the requisite intervals
  - procedures detailing the action to be taken if social workers are repeatedly unable to gain access to a child
  - robust processes for monitoring and review of the services (see below).

81. These procedures and processes are regularly audited, reviewed and updated.

*Poor practice*

82. Fully compliant and comprehensive procedures and processes are either:

- not yet in place
- not sufficiently robust or understood
- yet to be implemented
- inconsistently implemented
- implemented initially but subsequently not followed.

'There has been little ongoing strategy for promoting awareness of the procedures within the children's services department, the local authority as a whole and in the wider community.'

'A set of comprehensive procedures in respect of private fostering arrangements has been written but social workers acknowledge that they are not fully conversant with the procedures and are not confident that they would be able to recognise a private fostering arrangement.'

'Procedures and guidance include individual support by a social worker or other professional, a self-help group, drop-in centres, training and accessing community resources. However, the full range of support written into this policy, such as the self-help group and drop-in facilities, are not yet in place.'

## **Roles, responsibilities and accountabilities**

*Good practice*

83. The authority has clearly specified roles, responsibilities and accountabilities relating to private fostering. It has ensured that these are communicated and that people are equipped to perform them.

84. It has identified a 'responsible officer' for ensuring compliance with the regulatory framework, someone who can provide relevant expertise and advice on private fostering matters and who is responsible for carrying out both initial and full assessments of private fostering arrangements. The authority has also set out:

- who will take decisions on the suitability of those arrangements
- who will provide ongoing support for privately fostered children, their parents and their carers
- who will have responsibility for monitoring and reviewing provision

- the roles to be played by senior managers and elected members, particularly in relation to scrutiny of the service.

'There is also scrutiny at elected members' level because the work of the service is reported to them on a regular basis.'

'To ensure accountability, the Local Safeguarding Children Board has agreed that private fostering would be a priority for them and this would be a standing item on the staying safe sub-group of the Local Safeguarding Children Board.'

### *Poor practice*

85. There is lack of clarity on roles and responsibilities and/or these are not carried out in practice. This is because people are being diverted to what are seen as more pressing priorities, or staff are not equipped to make the necessary contribution, or they have not been informed of what is expected of them. Other local authority teams do not understand the importance of safeguarding children in private fostering and are sometimes resistant to identifying private fostering arrangements.

'Staff are not clear about where the responsibility for this service lies and, as a result, there is some confusion on roles and responsibilities.'

## **Timeliness and quality of assessments**

### *Good practice*

86. Initial visits are consistently carried out within seven days of the authority being notified of a potential private fostering situation. Targets are set for carrying out full assessments of the suitability of private fostering arrangements and the targets are met.
87. Both the initial and core assessments are thorough and rigorous. Children are involved in all aspects of the process. Attention is given to the suitability of the private foster carer and there is also consideration of a range of other factors, such as:
- the suitability of the accommodation and of other members of the household
  - health and safety matters
  - emotional well-being
  - educational and health provision
  - cultural issues.

88. Safeguarding is given priority. The assessment takes account of Criminal Records Bureau (CRB) checks and searches with other agencies about all adult members of the household.
89. Assessments are checked and signed off by senior staff and submitted to an assessment panel, usually the fostering panel for looked after children, with the relevant expertise. A final decision on the suitability of an arrangement is not taken until the authority is satisfied that it is safe and likely to promote the child's well-being. This decision is taken by a senior manager. The assessment is carefully documented and is used to provide the basis of a caring agreement. Findings on records and documentation are set out below. For longer term placements, a comprehensive care plan covers priorities such as access to health care, education and leisure activities.

'Suitability of the carers is checked out using a thorough assessment procedure including checks with the probation service, health visitor, National Society for the Prevention of Cruelty to Children, education, and Criminal Records Bureau.'

'The dedicated worker has devised a specific assessment tool using the requirements of the regulations and the comprehensive assessment framework to ensure thorough assessment of the suitability of arrangements.'

#### *Poor practice*

90. Initial assessments are not always carried out within seven days of the authority being notified of a private fostering arrangement and they are not subsequently comprehensively assessed. The authority does not systematically assure itself of the adequacy of private fostering arrangements and the well-being of children living in such arrangements. The quality of assessments is variable. They often lack depth and focus on the needs of the child, and frequently do not cover all the areas required in the regulations, including the necessary CRB and health and safety checks. Assessments are not fully documented, they are not signed off quickly enough and there are inadequate procedures for ensuring that the welfare of children is met when a fostering arrangement is assessed as being unsuitable.

'... not all assessments have been undertaken in a timely fashion, with considerable delays in obtaining Criminal Records Bureau checks in relation to private foster carers and members of their household. There have also been delays in signing off the suitability of arrangements, as the authority has decided to use the fostering panel for this purpose. However, at the time of the inspection the panel had not received appropriate training to enable them to do this.'

'Not all assessments of the suitability of arrangements examined by the inspector had been carried out within the prescribed timescales and all

showed a lack of thoroughness and competence in the assessments, with vital areas not being robustly examined or analysed... In respect of one case, the initial assessment had indicated that the arrangements were not suitable but no action had been taken to consider how the young person's needs could be met.'

'... health and safety information is limited and risk assessments are not in place. Bedroom arrangements are not always looked at and not all members of the household consulted.'

## Involvement of and support for children and young people

### *Good practice*

91. The authority strives to ensure that children are listened to and supported. Children are involved at all stages of the private fostering arrangement, from the time when a suitable placement is identified to the ending of the arrangement when the child or young person either returns to their parent(s) or moves on to another type of care.<sup>25</sup> Children are interviewed separately, unless this is considered to be inappropriate, during both the initial and the full assessment.<sup>26</sup> Their views are carefully documented and taken into account in care plans, which address behavioural, emotional and physical needs. Access to extended schools and children's centres is arranged to increase children's educational and social well-being.
92. Children are also seen separately during follow-up visits, unless this is considered to be inappropriate, and are interviewed in various settings such as community venues and schools. They are allocated their own social worker, separately from the social workers supporting the private foster carers. Children are often seen more frequently than specified in the national minimum standards and, where relevant, translators accompany a social worker on visits to ensure that the child understands what is being said and can express their views. If appropriate, children are given information on alternative care options.
93. Social workers regularly consult children and maintain contact with them between visits. The children are given information about their rights, including how and with whom they can make contact for further information. They are told about relevant local and national voluntary organisations. Any concerns

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<sup>25</sup> In practice this does not happen very often because most notifications are of existing arrangements rather than newly established ones.

<sup>26</sup> The wording here is important. The statutory requirement in the regulations for private fostering is that the visitor must 'visit and speak to the child alone, unless the officer considers this to be inappropriate', not that they only see the child separately if they consider it appropriate to do so. The stronger wording was a result of the first report of the Children's Rights Director on private fostering: *Private fostering: some views from privately fostered children on the Government's proposals about private fostering*, CSCI, 2005.

about the safety of children trigger the swift implementation of child protection procedures. All children, not only those identified as being children in need, are informed of their right of access to a Children's Advocacy Service.

94. When asked for their feedback, children say that they like the people allocated to work with them and feel that their views have been heard. Where numbers make this feasible, the authority has established a support group for privately fostered children or has plans to do so.

'Children and young people similarly derive benefit from the support provided by social workers, who are regarded as being effective in resolving difficulties for the children and young people and help build their capacity to settle and adjust to the new household.'

'The authority is currently actively recruiting for independent visitors, recognising that this is a gap in the service offered to privately fostered children.'

'Young people are seen and their views are also sought through questionnaires.'

'The local authority has developed a children and young people friendly brochure providing information about advice and support available to privately fostered children. The local authority consults directly with children during statutory visits and their views are incorporated into the care plan for the child.'

#### *Poor practice*

95. Children are not interviewed separately, or not interviewed at all, as part of the assessment process or during subsequent visits. There is no or very limited evidence that their views have been taken into consideration. No information materials are available for children and they are given little support to enable them to understand and exercise their rights. Frequent changes of social worker mean that children are not able to build up a long-term relationship. Sometimes support is limited to when things go wrong, such as when a child is hurt or a parent has not visited for some time.

'Only 40% of the children placed were visited at the required frequency of once every six weeks within the first year of the placement.'

'Young people are seen as part of initial assessments but their wishes and feelings are not always clearly included in assessment reports.'

'Children are not being routinely offered advocacy in such cases where they may be in need of independent and effective support.'

## Involvement of and support for parents

### *Good practice*

96. From the time the authority is notified of a possible private fostering arrangement, it seeks to involve the child's parents, including those cases where the parents are living abroad or in another local authority. Parents are involved in both the initial and the full assessment of the private fostering arrangement and are made party to the formal agreements that emerge from the assessment process. If appropriate, parents are offered additional resources and support to help them meet their child's needs as an alternative to establishing a private fostering arrangement. Where this is not possible, they are given encouragement and support to enable them to maintain contact with their child (or children) once an arrangement has been assessed as suitable, and they are provided with a range of information.
97. Once the arrangement comes to an end, in a timescale and manner agreed with the parents, necessary support is put in place to ensure that the child is safely and successfully reintegrated in their family.

'Some parents are referred to other agencies for help with parenting skills and others are encouraged to take responsibility for moving their children from unsuitable private fostering arrangements. Parents are given contact details for the specialist social worker.'

'The service works particularly positively in encouraging young people to maintain contact with their parents. Some positive work has been undertaken in improving relationships between parents and their children that have previously broken down.'

'There is a good checklist for parents that prompts them to consider whether the arrangements meet their child's needs to their satisfaction. This ensures that parents are reminded about their responsibilities in agreeing the placement.'

### *Poor practice*

98. There is little involvement of parents during the assessment process and once a private fostering arrangement has been approved. There are no written agreements with parents. During the arrangement, the authority is not proactive in encouraging children to stay in touch with their parents or vice versa.

## Support for private foster carers

### *Good practice*

99. The authority aims to ensure that private foster carers have access to the same support as other foster carers. They are provided with relevant information and encouraged to attend training events, usually those organised for other foster carers. Where the numbers allow this, the authority has also established a support group for private foster carers.
100. Private foster carers are given advice on financial matters and, in appropriate circumstances, are given financial assistance under section 17 of the Children Act 1989, for example to purchase a bed and other equipment.
101. When asked for their feedback, private foster carers are very positive about the support they receive.

'There are good support systems in place for private foster carers. This was indicated by completed surveys and during the inspection.'

### *Poor practice*

102. The authority provides limited support beyond monitoring visits. Information is mainly limited to written materials. Private foster carers are not told who they can contact to discuss any concerns they might have.

'No written agreement is promoted between the carer and the parents and financial arrangements are sometimes woolly. Carers are sometimes missing out on access to benefits because of lack of awareness. Health arrangements can also be unclear because of the lack of any written agreement...'

## Documentation and record-keeping

### *Good practice*

103. The authority maintains thorough and accurate records about private fostering, which are regularly audited and reviewed. The paper and electronic forms are written in accessible language and are easy to use. The results of initial and full assessments are carefully documented and reviewed by a manager.
104. Formal care plans and an agreement about the placement are produced following the assessment. These documents cover the duration of the arrangement; educational provision; contact with parents; financial arrangements between parents and foster carers; and medical consents and health provision. There are separate files for the child and the foster parent to ensure confidentiality. Documentation and detailed records are regularly reviewed and updated.

105. Records are stored on paper and/or electronically and integrated with electronic information systems used for records about other children, such as the Integrated Children's System (ICS) and the authority's wider performance management and information systems. Records are stored securely. Children and young people, their parents and their carers are made aware of their right to see the records.

*Poor practice*

106. Records maintained by the authority relating to private fostering arrangements do not contain all the important information, such as the intended duration of the arrangement, contact details, and the basis for the ending of an arrangement, and they are not always kept up to date. There are gaps in the signing and dating of documents and there are combined files for the child, the foster parents and for siblings, which may lead to breaches of confidentiality. The records and files are not always monitored and reviewed. Where electronic records are kept, the systems used make it difficult to access information relating to private fostering.

'Each young person has an individual file; however, private foster carers do not have a separate file, consequently confidential information about foster carers is kept in the young person's file.'

'The absence of formal agreements in some private fostering arrangements puts all parties, particularly children, in a vulnerable situation.'

**Monitoring, review, audit and scrutiny**

*Good practice*

107. Monitoring, review, audit and scrutiny are seen as being important for ensuring the quality of the service and the safety of privately fostered children. The authority has put in place rigorous arrangements, which are used to improve performance.
108. The authority monitors key aspects of the service, such as the impact on notifications of its communication campaigns; the timeliness of initial visits and full assessments of private fostering arrangements; the regularity of follow-up visits; and the overall development of the children. The progress being made forms part of the supervision arrangements for relevant staff.
109. The authority produces regular reports about private fostering arrangements, the outcomes for children and areas for development. These are submitted to senior managers, elected members such as the lead member for children's services, and the Local Safeguarding Children Board. Senior managers are involved in auditing and scrutinising the service and, in the best authorities, elected members also scrutinise provision. The Local Safeguarding Children

Board is used as a forum for challenging the service and for ensuring that momentum is maintained. The authority strives to capture learning and good practice. Statistical returns are made to the DCSF on time.

'... the Corporate Parenting Panel of the local authority and the Deputy Director of Children's Services are providing scrutiny of the service.'

'Good practice is commended such as in the chronologies on each young person's file to track their welfare. Learning points and gaps in practice are noted and action plans put in place to address them.'

'The reviewing system is a good example of the service taking its responsibilities seriously. There is good statistical information about numbers of arrangements, the profile of young people involved and the reasons for the arrangements. This, combined with other monitoring arrangements, informs the annual improvement plan developed for the service.'

#### *Poor practice*

110. The authority has not yet put in place robust arrangements for monitoring, auditing, reviewing or scrutinising the service. Those arrangements that have been put in place are either inadequate or are not used effectively to improve the service. Information relating to private fostering systems is not integrated with wider information systems.
111. The authority does not produce reports for senior managers and the requisite annual report to the Local Safeguarding Children Board is either not produced or provides minimal information. Relevant statistical information is not sent to the DCSF.

'The authority has not had the ability within its management information systems to record children who are privately fostered as separate from any other child referral. The local authority has not therefore been able to adequately monitor the way in which it discharges its duties relating to private fostering.'

'The authority's system for quality assuring the work it carries out and the recording of this work is not effective.'

## Issues and policy implications

112. This section analyses the issues and policy implications arising from the inspection findings under six headings. It forms the basis for the recommendations in the report. The six topics are:

- patterns of poor and under-performance
- innovation and good practice
- models of delivery
- variations in policy and practice
- the diversity of privately fostered children and young people
- continuing low levels of notification.

### Patterns of poor and under-performance

113. Too many authorities are failing to meet the national minimum standards for private fostering. Three patterns of inadequate performance have been identified in the inspection reports.

- Some authorities judged to be inadequate have yet to make a concerted effort to respond to the regulatory framework put in place in 2005.
- Others have made an initial attempt to respond to the new requirements, but have lost momentum over the last two years.
- A third group of authorities has drawn up detailed policies and practices which comply with the regulations, but either have not put them into practice or have implemented them inconsistently.

114. In the authorities judged as being satisfactory there are two discernible patterns.

- Inconsistency in progress, with better performance towards meeting some standards than others. Progress is often being achieved for those aspects which are simpler to address, such as the development of communication materials, of which there are many examples of good practice.
- Attempts to improve which are not sustained. For example, some authorities have re-organised the way they deliver private fostering arrangements on a number of occasions but have not yet improved overall performance.

115. Although there are different reasons for poor performance, lack of leadership is the most common factor.

116. The patterns of poor and under-performance raise two significant concerns, namely:
- the risk to children because many authorities are still failing to meet minimum standards and statutory regulations
  - the variability of the experience and outcomes for children living in different parts of the country. From the analysis of inspection reports, children in some authorities are generally safeguarded better in private fostering arrangements than in others.
117. The inspection findings point to a need for action to narrow the gap in performance between authorities, and to prevent this gap from becoming even wider. The findings also highlight the need for a range of interventions to deal with the different patterns of underperformance, including a combination of networks of peer support between authorities and further inspection of private fostering arrangements.
118. Some authorities are already forming regional alliances to raise awareness of private fostering and to develop networks of peer support. The British Association for Adoption and Fostering runs a special interest group which aims to share good practice. Several of the authorities inspected participate in this network which, at the moment, is London-based.
119. The current programme of Ofsted inspections of all local authorities will be completed by the end of March 2009. Continuing external challenge would be provided by the introduction of a further cycle of inspections. Consideration could be given to arrangements for following up authorities where the overall judgement is inadequate. Future inspections would need to be risk-based and proportionate, in line with other inspection remits, to deal with different levels of performance.

## **Innovation and good practice**

120. More positively, an increasing number of authorities are now starting to make rapid progress in meeting statutory requirements and, in some cases, they are exceeding the national minimum standards. Examples of excellent practice and innovation have already been cited. In the good and outstanding authorities there are a number of common factors, including:
- good leadership from senior managers
  - ambition displayed by a striving for excellence rather than being satisfied with compliance with the regulatory framework
  - the involvement of elected members
  - strong joint working with other agencies to increase capacity

- a suitably qualified and knowledgeable dedicated officer to coordinate provision
- a prominent role being played by the Local Safeguarding Children Board
- integration of private fostering with the work of other relevant teams relating to caring for and safeguarding children
- robust quality assurance and performance management systems.

121. This progress by some authorities raises the question of whether the current review of the national minimum standards provides an opportunity to raise standards further. Some authorities have demonstrated that the national minimum standards can be exceeded. With other inspection remits, for example Ofsted's inspection of schools and of early years and childcare, or the Audit Commission's comprehensive performance assessment, improvements in outcomes have been achieved by raising the bar in inspection frameworks.<sup>27</sup> A similar approach could be taken with private fostering, based on the achievements of more ambitious authorities.

122. Inspection reports indicate that standards could be set higher but are also currently too narrowly focused, not covering issues such as leadership and the Every Child Matters outcomes in addition to safeguarding.

## Models of delivery

123. Local authorities have adopted a wide variety of organisational arrangements for delivering their private fostering responsibilities. These include:

- a dedicated officer (or team) carrying out most or all of the work in relation to private fostering, with minimal input from elsewhere in the authority; in some authorities the dedicated officers are full time; in others they are part time, usually depending on the authority's private fostering caseload
- a dedicated private fostering officer (or small team in some cases), who has a coordinating role and advises other teams about their involvement in private fostering
- appointing lead officers who tend to have lighter touch coordinating roles than a dedicated officer, with responsibility largely resting with front-line staff such as social workers
- making private fostering an integral part of the remit of teams with wider responsibilities, such as general fostering teams or safeguarding teams
- decentralising responsibilities, with relevant activities being discharged by area-based social work teams

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<sup>27</sup> *The harder test: the new framework for comprehensive performance assessment of single tier and county councils from 2005–2008*, Audit Commission, 2005.

- using the voluntary sector to assist with some aspects of their private fostering responsibilities; two examples of this were noted by inspectors
  - dividing responsibilities between different teams, for example with one team carrying out assessments and another providing ongoing support for children, their parents and private foster carers and monitoring placements; the support for private foster carers being carried out by a different team from those that support the children and young people; or differentiating between responsibility for providing support and monitoring placements.
124. Some authorities have recently reviewed and revised their organisational arrangements. There is a general trend to appoint dedicated private fostering officers and to increase the integration of their activities with the mainstream fostering teams.
125. Evidence so far suggests that some types of arrangements are more successful than others and this may be affected by the specific circumstances of the authority. Most of the good and outstanding authorities have dedicated private fostering officers who are very proactive. Some authorities serving large geographical areas have found integrating private fostering into the activities of area-based teams to be effective.
126. Many authorities' decisions about the model of delivery are influenced by the make-up of their caseload. Where the parents of the children live in this country, there is an emphasis on integration with general fostering teams. By contrast, where the caseload includes a significant number of children from abroad, there are benefits from close links with asylum-seekers and unaccompanied minors teams.
127. Inspections provide one source of evidence about the relative benefits of different models; however, a detailed national study, including the use of future inspection evidence, would help to confirm the type of arrangements that best serve the needs of, and improve outcomes for, children who are privately fostered. This would assist local authorities with their responsibilities.

## Variations in policy and practice

128. The national minimum standards and the regulations for private fostering set a framework for each local authority. These are not overly prescriptive and there is scope for differing interpretations of the framework. They allow local authorities to shape their response to the specific needs of privately fostered children in their area, such as the development of links with different children's services teams, depending on the profile of privately fostered children in the geographical area. However, Ofsted inspection reports indicate that there are widely differing policy decisions and practices, resulting in different experiences for children and varying levels of safeguarding.
129. Five examples below illustrate this variation:

- procedures for CRB and other checks
- decisions on 'children in need' classification<sup>28</sup>
- suitability assessments
- the role of social workers in establishing private fostering arrangements
- the support for children and young people provided by social workers.

### **Procedures for CRB and other checks**

130. In some authorities, CRB checks are always carried out and relevant information obtained before a decision on suitability is taken; in others the checks are not always carried out or the information is only obtained after a decision has been taken.
131. CRB checks are carried out on all members of the household in some authorities, but only on some household members in others. There is variation as to whether checks are carried out on all members of the household above the age of 16 or those above 18.
132. In some authorities, household members are subject to standard CRB checks; in others they are subject to enhanced checks.
133. Local authorities differ in the extent to which they systematically seek references from other agencies which may have prior contact with the family.
134. There is variation in the rigour of assessments and whether they also include health and safety checks of the premises in which a child or young person will be living and their suitability for children with disabilities.

### **Decisions on 'children in need' classification**

135. Assessments of the suitability of private fostering arrangements frequently, but not always, include the financial needs of the child or young person and the arrangements that are to be applied, such as the financial agreements between the parents and the private foster carers. Some local authorities consider whether individual children should be classified as children in need. This classification would make them and their carers eligible for additional financial and other support. In other local authority areas, all privately fostered children are automatically classified as children in need.
136. In the Children's Rights Director's 2008 report, privately fostered children said that more financial support should be made available to enable their carers to

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<sup>28</sup> 'Children in need' are defined in law as children who are aged under 18 and: need local authority services to achieve and maintain a reasonable standard of health or development; need local authority services to prevent significant or further harm to health or development; are disabled.

look after them better and to help them succeed at school.<sup>29</sup> Ofsted inspections provide further evidence of variation in practice.

### **Suitability assessments**

137. The inspection reports have highlighted variation in the content, quality and robustness of suitability assessments.

- Some authorities carry out a very wide assessment of the child or young person's needs, whereas in other areas the assessment of needs is less comprehensive. However, attention is almost always given to emotional, social, educational and health issues.
- As the basis of their assessment, some authorities use the common assessment framework or the pro forma for suitability assessments developed by the British Association for Adoption and Fostering.<sup>30</sup> Others use their own assessment frameworks and forms.
- Some assessments are carried out by generic placement assessors while others are carried out by social workers with a specific understanding of private fostering.

138. Children and young people consulted by the Children's Rights Director said that private fostering assessments are not yet sufficiently rigorous. Their view was that 'social workers should be more untrusting at the beginning' to ensure that a private placement is safe for the child or young person.

### **The role of social workers in establishing private fostering arrangements**

139. In a number of authorities, social workers are now playing a proactive role in identifying possible private fostering arrangements. In most instances the purpose of this early involvement is to ensure a smooth transition to the placement for the child and to put support in place as speedily as possible. Although this proactive involvement is a positive development, it appears that, in some instances, social workers are becoming too involved in setting up placements. This may cause problems by confusing the legal status of the children affected. In particular, it is important to be clear about whether the child is placed under private fostering arrangements or under a local authority approved placement.<sup>31</sup>

140. The nature and the extent of the involvement of social workers in making private fostering placements are important to the child because:

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<sup>29</sup> *Children's experience of private fostering (070209)*, Ofsted, 2008.

<sup>30</sup> The common assessment framework is a standardised approach to conducting an assessment of a child's additional needs and deciding how those needs should be met. It is intended for use by practitioners across children's services in England.

<sup>31</sup> Children Act 1989 Section 22.

- different protections and different rights apply to children in local authority approved foster placements with 'family or friends' and to children who are privately fostered
- if a local authority has placed a child, it then has a duty to resolve matters or move the child if the placement is not progressing satisfactorily, whereas the threshold for moving a privately fostered child is much higher
- if the nature and extent of the social worker's involvement is unclear, different people involved in the placement may take different views about whether it constitutes local authority or private fostering, with potential for conflict and confusion.

141. The Children's Rights Director reported that some children said that their placement had been arranged by a social worker.<sup>32</sup> He suggested that people involved with the placement, including the children, may have misunderstood how these placements had come about. The findings of inspections of local authorities suggest that there is confusion in practice.

### **The support provided by social workers**

142. Many authorities ensure that social workers are assiduous about visiting children and young people who are privately fostered, but inspectors found that not all children are visited as frequently as they should be, as set out in the private fostering regulations.

143. Regular social work visits have an important part to play in ensuring that children and young people are kept safe, but programmed visits, even if they are carried out consistently, may not be sufficient to safeguard children and young people in private fostering placements. Young people cited in the 2008 Children's Rights Director's report, published three years after the new regulatory framework for private fostering had been in operation, said that they would like more contact from social workers between visits.

144. The children consulted also said that they would like social workers to:

- make unannounced visits
- visit them outside their homes
- check on their welfare with schools and others that come into contact with them
- make more regular visits after the first year of a placement. The three-monthly visits specified in the regulations are not seen to be sufficiently frequent if things are starting to go wrong
- be persistent with their checks to ensure that the young people are safe.

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<sup>32</sup> *Children's experience of private fostering (070209)*, Ofsted, 2008.

145. In summary, the variation in policies and practices identified by inspectors, such as those outlined above, is significant and warrants greater consistency, particularly for those issues that make a difference to the safeguarding of, and outcomes for, children and young people. In particular, the views of children, as mentioned above, are not routinely taken into account.

### **The diversity of children in private fostering arrangements**

146. The many different reasons why children and young people live in private fostering arrangements were described above (Background information on private fostering pp 10–12). Some take part in choosing the arrangements, while others have no choice. Some children receive very high quality private foster care, while other arrangements are less suitable. Sometimes private foster care leads to improved outcomes; in other cases, children are damaged by the time that they spend being privately fostered.
147. The introduction of the current regulatory framework for private fostering was designed to ensure that all privately fostered children and young people are safeguarded and that the arrangements work to the advantage of them all, whatever their background and whatever the reasons for the arrangement.
148. Inspection reports suggest that the regulatory framework is still not achieving these aims and that the most potentially vulnerable groups of children are not being protected consistently. While some authorities are adapting provision to meet the needs of those privately fostered children that they are aware of in their area (for example by developing good relationships with language schools), very few have made major progress in contacting the 'harder to reach' groups of children. Such children include those who have come to this country as unaccompanied minors, those who may be involved in trafficking activities, those attending boarding schools who are privately fostered when they are not at school, and children sent to private foster homes in Britain from West Africa and elsewhere.<sup>33</sup>
149. Given that many of the original concerns expressed about the experience of privately fostered children related to the potential vulnerability of young children sent to private foster homes in the UK from abroad, this lack of success is disappointing. Young people consulted recently by the Children's Rights Director have provided information about the circumstances and concerns of privately fostered children from abroad.<sup>34</sup> They want to be asked when they come to the UK whether they wish to remain here, to be given advice on how to do well at school and to have access to translation and to language development both at home and at school.

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<sup>33</sup> C Owen et al, *A study of private fostering*, Thomas Coram Research Unit, 2007.

<sup>34</sup> *Children's experience of private fostering (070209)*, Ofsted, 2008.

150. More positively, inspectors have found that some local authorities are making concerted efforts to promote diversity and equality of opportunity for privately fostered children and to ensure that the arrangements meet their diverse and individual needs. Examples include authorities that carry out health and safety assessments of the private foster carer's home to determine whether it meets the needs of a child or young person with a disability and those that assess whether a potential placement will meet a child or young person's cultural needs. However, inspectors have not found evidence to show that the new regulatory framework is helping so far to tackle the sensitive issue of trans-racial and trans-cultural placements. These have given rise to much concern among professionals working with children and young people and among children's charities.
151. The conclusion to be drawn from the inspection evidence is clear. Not enough is known about the circumstances and needs of children and young people who are privately fostered. It is now over 35 years since in-depth longitudinal research was carried out on privately fostered children, and in that time the profile and needs of children are likely to have changed substantially.<sup>35</sup> The understanding of the diversity of circumstances and needs of the children and young people is not sufficiently understood. As a result, there is insufficient understanding of the nature of the risks which the children face, therefore models of practice are not sufficiently differentiated to the needs of individual children and young people. In general, local authorities tend to give insufficient attention to trans-racial and trans-cultural issues and the reported concerns of children from abroad on private fostering arrangements.

### **Continuing low levels of notification**

152. Since the national minimum standards for private foster care were introduced in 2005, there has been a steady increase in the number of notifications of private fostering arrangements. The figures now include advance notifications of placements in addition to notifications about existing placements. However, the inspection reports show that many local authorities are not sufficiently proactive in encouraging notification of private fostering placements (in some areas there are no notifications at all), and even the most ambitious authorities have not been able to achieve major increases.
153. The inspection reports also show that new notifications still largely come from social workers and professionals in other agencies rather than from parents and private foster carers. Authorities are still not making significant inroads into arrangements where there may be resistance (from both parents and private foster carers) to local authorities becoming involved and where children and young people may be most at risk. Despite the fact that inspectors have found that many local authorities have devoted time and resources to raising

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<sup>35</sup> R Holman, *Trading in children: a study of private fostering*, Routledge and Keegan Paul, 1973.

awareness of private fostering, children consulted by the Children's Rights Director still feel that their parents and carers do not know enough about their responsibilities for notifying the local authority.<sup>36</sup>

154. Although most local authorities are finding it difficult to increase the number of notifications, especially from the most potentially vulnerable groups of privately fostered children, those doing better are learning lessons from the practices of good and outstanding authorities. The more effective local authorities keep the impact of their communication and awareness-raising initiatives under review and alter their approaches in line with any discernible changes in the profile of private fostering arrangements. However there is limited research on what works well in terms of increasing notifications. The decision to supplement local publicity with concerted annual national publicity, sponsored by the Government, should increase awareness of private fostering among parents, private foster carers and the general public as well as among professionals.
155. Little is known about the circumstances and motivations of the parents of privately fostered children and of private foster carers (it is some time since such a study was carried out), and therefore about what might provide them with incentives to notify local authorities of private fostering arrangements and how best to support them.
156. Finally, the DCSF now needs to consider the best mechanism to secure an increase in notifications in order to ensure the safeguarding of privately fostered children and young people; including whether it is now appropriate to move from the largely voluntary system of notification to mandatory registration for private foster carers, as provided for in the 'sunset clause' of the Children Act 2004 and amended by the Children and Young Persons Act 2008.

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<sup>36</sup> *Children's experience of private fostering (070209)*, Ofsted, 2008.

## Additional helpful information

L Bostock, *Effectiveness of childminding registration and its implications for private fostering*, Social Care Institute for Excellence, 2003.

*Every child matters*, DfES, 2003.

*Every child matters: next steps*, DfES, 2004.

*The Children Act Report 2003*, DfES, 2004.

*Children looked after in England, 2003/2004*, DfES, 2005.

*Statistical first release*, DCSF, 2008 SFR18/2008.

*Children Act 1989, Guidance and Regulations*, Volume 8 Private Fostering and Miscellaneous, Department of Health, 1989.

*Signposts: findings from a national inspection of private fostering*, Department of Health, 1994.

[British Association for Adoption and Fostering](http://www.baaf.org.uk/); <http://www.baaf.org.uk/>.

*Somebody else's child*, National Private Fostering Campaign;  
<http://www.privatefostering.org.uk>.

National Foster Care Association;  
<http://www.fostering.net>

## **Annex. National minimum standards for private fostering**

### **Being healthy**

There are no national minimum standards under this outcome.

### **Staying safe**

Intended outcomes for these standards:

- the local authority is notified about privately fostered children living in its area (NMS 2)
- the welfare of privately fostered children is safeguarded and promoted (NMS 3)
- private foster carers and parents of privately fostered children receive advice and support to assist them to meet the needs of privately fostered children; privately fostered children are able to access information and support when required so that their welfare is safeguarded and promoted (NMS 4)
- the local authority provides advice and support to the parents of children who are privately fostered within their area as appears to the authority to be needed (NMS 5)
- children who are privately fostered are able to access information and support when required so that their welfare is safeguarded and promoted; privately fostered children are enabled to participate in decisions about their lives (NMS 6).

### **Enjoying and achieving**

There are no national minimum standards under this outcome.

### **Making a positive contribution**

There are no national minimum standards under this outcome.

### **Achieving economic well-being**

There are no national minimum standards under this outcome.

### **Organisation**

Intended outcomes for these standards:

- relevant staff are aware of local authority duties and functions in relation to private fostering (NMS 1)

- the local authority monitors the way in which it discharges its duties and functions in relation to private fostering (NMS 7).