Private fostering – the unknown arrangement?
A report by the Care Commission on private fostering arrangements in Scotland
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Ensuring that children and young people are safe, protected from abuse, neglect or harm, is a crucial message of the Scottish Government’s strategy ‘Getting it right for every child’. Good quality foster care helps ensure that children and young people are kept safe. However, the standards of care that privately fostered children receive remains largely unknown.

This report builds on our 2007 report ‘The quality of fostering and adoption services in Scotland’. It showed that the quality of the public fostering services in Scotland was positive, but outlined plans to focus in future inspections on particular areas such as private fostering.

Our report sets out, for the first time, how local authorities in Scotland are meeting their duties to safeguard and promote the wellbeing of children in private fostering arrangements.

It will be clear from reading this report that the number of known children privately fostered remains greatly unidentified. Many local authorities are not doing enough to raise awareness about private fostering notification and most are not incorporating private fostering fully within their child protection responsibilities. Few local authorities are taking a multi-agency approach to help identify these care arrangements.

These are matters that must be addressed comprehensively and quickly if children and young people in private fostering arrangements are to be supported and safeguarded in the way the law intends. Parents and private foster carers should also be made aware of the support that they could get if they notify local authorities.

This report makes a number of recommendations which I commend to the Scottish Government, local authorities and their children’s services’ partners. I am heartened by the initial response to the report that I have had from these key bodies. There is commitment to work together to consider and address the recommendations of the report in the best interest of the children and young people concerned. This commitment now needs to be turned into action.

Ronnie Hill
Director of Children’s Services Regulation
A summary of what’s in this report

Parents and guardians have a duty to notify the relevant local authority when they make private fostering arrangements for their children. It is then up to local authorities to record these notifications and make sure they safeguard and promote the wellbeing of these children.

However, the true number of children privately fostered is unknown, leaving a number of these children vulnerable. Our report indicates most local authorities in Scotland are not fully incorporating private fostering within their child protection responsibilities. Parental rights and responsibilities remain with parents when their children are in private foster care arrangements. These are private arrangements based on personal circumstances, some of which will reflect circumstances which local authorities need to know about to ensure the child’s wellbeing.

To ensure that children are protected, and to enable local authorities to safeguard and promote the wellbeing of children placed by their parents with private foster carers, it is vital that a greater effort is made to ensure private foster carer arrangements are recorded.

At the same time, local authorities should make private foster carers aware of the support and advice available to them. The British Association for Adoption and Fostering (BAAF) stresses that private fostering can make a positive contribution to many children’s lives. It can, for example, give a teenager a much needed stopgap following an argument with their parent, greatly improve a child’s quality of life, or allow a young person to further their education away from their families.

However, there remains a lack of awareness about what private fostering means. Following our discussions with professionals in the field, it is clear there is confusion around the current definition of ‘private fostering’, concerning who is covered by these arrangements and the time period this covers.

Our review of Scotland’s 32 local authority websites revealed that the majority have no information about private fostering, with just a handful of councils providing detailed information about private fostering arrangement (PFA) notification. Websites are a key source for both parents and carers who may anonymously want more information about private fostering.

Other sectors including education, health and housing could also play an important role in promoting the notification of private fostering and alerting the relevant authority of any unrecorded arrangements. The Scottish Executive’s child protection review, “It’s everyone’s job to make sure I’m alright” (2002), emphasised the need for all practitioners working with children to have access to the “right information at the right time”.

The officially recorded number of children privately fostered in Scotland is worryingly low. We believe there are many more arrangements in place that are not known about, meaning they are unmonitored and many children may be left vulnerable.
Although we found that some work is being done to increase awareness of private fostering at a local level, most local authorities are still recording zero PFAs.

In fact, during the period 2008–09, there was a significant drop in PFA notifications.

Low numbers of recorded arrangements can be seen across the whole of Scotland, both in urban and rural areas. Scotland’s three largest cities record zero PFAs for 2008–09.

In April 2010 we will look again at the information local authorities submit to us in their annual return forms to identify whether there has been any increase in the number of PFAs notified to local authorities.

What we found

Number of PFAs recorded:
- In 2008–09, there were a total of 16 recorded private foster care arrangements in Scotland, a drop from 21 in 2007–08.
- In 2008–09, 73% of local authorities who submitted annual returns recorded zero PFAs, compared to 61% in 2007–08.
- The local authority with the highest number of notifications was Fife Council, with eight recorded PFAs in 2007–08 and seven in 2008–09.
- Dumfries and Galloway Council recorded the second highest level of PFAs, reporting three recorded private foster carers in both annual return periods.

Geographic patterns:
- Local authorities that recorded zero PFAs in 2008–09 included Scotland’s three largest cities: Glasgow, Edinburgh and Aberdeen.
- Figures show the East of Scotland has the greatest number of recorded private foster carers, mainly contained within the Care Commission’s Central East and South East regions.
- Zero PFAs were recorded in the Western Isles, Shetland or Orkney areas.

Private fostering information available on the 32 local authorities’ websites:
- At 1 November 2009, 22 local authorities (69%) in Scotland had no information about private fostering on their website.
- Four local authority websites (12%) had comprehensive information on private fostering.
- Six (19%) had basic information on private fostering on their websites.
What we recommend

1. The Scottish Government and local authorities should launch major awareness raising campaigns about what private fostering means and parents’ duty to notify local authorities of arrangements.

2. Local authorities and their children’s services planning partners need to be more proactive, on an ongoing basis, to identify privately fostered children. Linked to child protection and GIRFEC arrangements, all children’s services plans should state how they will do this and how they will monitor progress.

3. Local authorities should produce an annual report on private fostering activity in their area for the Chief Social Work Officer, which is then submitted to their local Child Protection Committee. The Committee should use the report to decide whether public information, joint working and practice are robust enough to:
   – make the public aware of the need to notify local authorities
   – protect children and safeguard their wellbeing
   – review any PFAs in line with current regulations
   – identify and support private fostering placements.

4. All local authorities should have clear information on private fostering on their websites, telling people how to notify them of the PFA and what support is available once they have done this. This should include the Scottish Government’s electronic leaflet on private fostering or a version of this leaflet adapted for their website. They should also make notification forms readily available online.

5. The Scottish Government should work with local government to develop and publish good practice guidelines on how local authorities and their children’s services planning partners should meet their obligations concerning PFAs. Using the Getting it right for every child approach, this guidance could help GPs, schools, housing, police and other relevant bodies to identify and support private fostering, and meet their corporate parenting and child protection responsibilities.

6. National and local government should engage membership organisations, such as The Fostering Network and BAAF, to help with publicity campaigns and advise private foster carers of the range of support, including legal advice, which is available to them.

7. The Care Commission will continue to report on what local authorities are doing to encourage people to notify them about PFAs and how local authorities are meeting their obligations as set out in the private fostering regulations.

8. The Scottish Government, relevant partners and the new scrutiny body set to replace the Care Commission in April 2011 should review and update legislation and guidance on private fostering. They should also consider whether more radical action is needed
to identify and protect children in these arrangements. This should include considering whether private foster carers should be registered by the new scrutiny body and be subject to regulation, inspection, complaints investigation and possible enforcement action.

9. The new scrutiny body should review the impact of the recommendations we made in this report after a two-year period and report to the Scottish Government on whether improvement has been made.
Introduction – why we have published this report

Under the Regulation of Care (Scotland) Act 2001, the Care Commission has a duty to inspect how local authorities meet their obligations and responsibilities with regard to private fostering in their area. The Care Commission began inspecting this in 2006.

This report contributes to the national strategy published by the Scottish Government in 2007 ‘Getting it right for every child in foster care and kinship care’ (GIRFEC), in which it has made a commitment to update information and to work with all relevant stakeholders to remind parents of their duty to inform local authorities of private fostering arrangements (PFAs).

In the strategy, Scottish Government asked us to pay particular attention, during the 2008–09 inspection period, to the overseeing of private fostering arrangements and to make recommendations on how it should be best addressed. This report is our response.

More recently, the Scottish Government’s response to the 2008 concluding observations from the UN Committee on the Rights of the Child, entitled ‘Do the Right Thing!’ (2009), outlined the action it will be taking to address the issue of private fostering. It stresses that the recorded numbers of children privately fostered are “so low that they cannot be credible” and states further action will be taken to encourage private foster carers to notify local authorities.

The aim of this report is to provide up-to-date information about how local authorities are carrying out their responsibilities in relation to private fostering in Scotland and make recommendations to ensure private fostering arrangements are being identified to enable local authorities to fulfil their responsibilities to promote and safeguard the wellbeing of these children.

What private fostering is and how it should work

Private fostering is the term used when parents make arrangements with people who are not close relatives or officially approved foster carers to care for their children for 28 days or longer. ‘Close relative’ is defined in the Foster Children (Private Fostering) (Scotland) Regulations 1985 as a “grandparent, brother, sister, uncle or aunt whether of the full or half blood or by affinity”.

If the child is to stay with this person for 28 days or more at a time, then there are duties on the parent and the carer under the Foster Children (Scotland) Act 1984 and Foster Children (Private Fostering) (Scotland) Regulations 1985 to notify the relevant local authority of the arrangement.

Once notified, local authorities have a duty to secure the wellbeing of every privately fostered child. They must visit the child and their parent or guardian either before the placement begins, or within two weeks of receiving notification. They must take into account the child’s
wishes and feelings about the placement and obtain a statement on the child’s health from a fully registered medical practitioner. The local authority must visit the premises where the child will live within one week of notification to check it is adequate for the child’s needs.

The local authority must then immediately notify the parent and private foster carer, in writing, whether it is satisfied or not that the placement is appropriate. While it is doing this it must also make necessary checks into the private foster carer. Once it has been notified of the placement, the local authority has a continuing duty to visit the child at least every three months for placements up to one year, and then every six months for placements lasting longer. Under the 1984 Act, local authorities have the power to impose conditions on arrangements and certain people can be disqualified as private foster carers.

There are some strong similarities between kinship care and private fostering arrangements, as both are arranged privately by families. The kinship care definition has recently been updated to include “a person who is known to the child and with whom the child has a pre-existing relationship”\(^3\). As a result, there has been confusion over whether arrangements fall under private fostering or kinship care. However, unlike private foster carers, kinship carers do not need to notify local authorities of arrangements.

The Children (Scotland) Act 1995 Regulations and Guidance states that the local authority social work department has a duty to check “that the welfare of children in private fostering placements is safeguarded and promoted as for other children in need or looked after by the local authority.”

However, both private foster carers and kinship carers are assessed differently to foster carers and do not need to be approved by a local authority fostering panel\(^4\). Under the Fostering of Children (Scotland) Regulations 1996, local authorities refer prospective foster carers to a fostering panel that considers whether they are suitable. This panel includes professionally qualified and experienced staff, as well as medical and legal representatives, foster carers and people with experience of being in foster care or using family placements. Currently fostering panels do not approve private foster carers.

**Why we need to know about PFAs**

The Adoption Policy Review Group: Choices for Children in Fostering and Adoption warned in 2003 that there remains very little public awareness of the duty placed on local authorities to safeguard children in private fostering arrangements and local authorities themselves are often “unsure of its scope”.

The Utting Report (Department of Health, 1997) described privately fostered children as some of the most vulnerable children living away from home and recommended local authorities should keep a register of private foster carers, similar to the registration of childminders.
Lord Laming’s report of the Victoria Climbie Inquiry (2003) further recommended the law be changed regarding the registration of private foster carers.

The Scottish Government’s review of child protection, ‘It’s everyone’s job to make sure I’m alright’ (2002), resulted in a series of three-year child protection reform programmes. A multi-agency inspection regime, led by HM Inspectorate of Education (HMIE), is currently undertaking a programme of Joint Inspections of Child Protection. The Care Commission and the Social Work Inspection Agency (SWIA) along with HM Inspectorate of Constabulary (HMIC) and NHS Quality Improvement Scotland (QIS) are involved in these inspections.

The GIRFEC national strategy on foster care and kinship care also acknowledges that private fostering may be a cover for child trafficking and has said that the Scottish Government will be closely liaising with the UK Government on the reserved matter of immigration.

What’s in this report and how we researched it

We looked at the information local authorities have about the private fostering arrangements (PFAs) in their area and how they oversee them.

Our aim was to produce up-to-date information about how local authorities are carrying out their responsibilities in relation to private fostering in Scotland and make recommendations to ensure private fostering arrangements are being identified so that local authorities can fulfil their responsibilities to promote and safeguard the wellbeing of these children.

We reviewed local authorities’ arrangements to oversee PFAs across Scotland during the inspection periods of 2007–08 and 2008–09. We looked at:

- how GIRFEC and child protection principles may apply to PFAs
- annual return data from all 32 Scottish local authorities on number of recorded private foster carers (2007–08, 2008–09)
- inspection data from all 32 Scottish local authorities on number of recorded private foster carers (2007–08, 2008–09)
- current website information from all 32 Scottish local authorities concerning private fostering (November 2009)
- how PFAs are regulated in other parts of the UK.

During the 2008–09 inspection period, we asked Care Commission officers (CCOs) to check:

- numbers of private foster carers recorded by the local authority
- how the local authority promoted the need to notify them of PFAs
- whether checks were carried out on the carers by the local authorities.

We also produced a questionnaire and guidance on private fostering for CCOs to use during inspection.

For this same period, in our annual return forms we asked local authorities to tell us the number of private foster carers they had recorded, new private foster carers, children receiving care from a private foster carer and new children receiving this care.

This report outlines the findings and recommendations from this review.
How Getting it right for every child (GIRFEC) applies to private foster care

GIRFEC in foster care and kinship care

‘Getting it right for every child in foster care and kinship care’ (2007) commits the Scottish Government and local government to ensuring that the principles of prevention and early intervention apply across all services which have an impact on children and family life.

During the 2006 consultation process on informing a national fostering and kinship care strategy, 24 out of 111 consultees commented that private fostering was “misunderstood both generally and by users and providers”, and that more publicity was needed to raise its profile.

The Scottish Government made a commitment in the strategy to update public information and to work with all relevant stakeholders to remind parents of their duty to inform local authorities of PFAs. In 2005, the then Scottish Executive had issued public information leaflets on private fostering in CD ROM format to all local authorities. However, our review of Scotland’s 32 local authority websites found just one had a link to the electronic leaflet.

During the same consultation, two consultees suggested private carers should be subject to the same processes and procedures as foster carers, while a further two commented on the need for private carers to receive the same training as foster carers.

The consultation responses also revealed that most public foster carers wanted to:
• raise the status and improve the quality of foster care and foster carers
• gain access and entitlement to appropriate training
• help protect children.

GIRFEC in foster care and kinship care sets out the importance of meeting the development needs of both foster carers and kinship carers, but there is no mention of providing training for private foster carers. With many private foster carers caring for a child after a family breakdown or from a different ethnic and cultural background, training on dealing with this difficult transition could be of benefit.

Five consultees suggested the Care Commission was the ideal body to register and regulate private fostering. Our own response to the consultation stated: “The Scottish Executive, Care Commission, local authorities and other stakeholders should consider and bring forward proposals to enable private foster carers to be regulated under the Regulation of Care (Scotland) Act 2001.”

We highlighted the benefits of regulating private fostering, including investigation of complaints, independent registration and inspection, and potential legal enforcement action. Perhaps, most importantly, we stressed “These provisions could better safeguard children, and through time, ensure that private foster care comes out in the open.”
The Scottish Government stated in the final strategy that it would ask the Care Commission to continue to pay particular attention to the issue during the 2008–09 inspection period and to bring forward recommendations on how it should be best addressed.

Since GIRFEC in foster care and kinship care was published the main Getting it right for every child programme has continued to develop. A national practice model was published in 2008 and an evaluation of the implementation of the model, primarily in Highland, was published in November 2009.

GIRFEC is being promoted as the approach which will help deliver improved outcomes for children and young people and support implementation of the three main social frameworks – Achieving our Potential, Equally Well and in particular the Early Years Framework.

Work is also being done to support the GIRFEC approach and how information technology can support best practice. As part of the development of the eCare Framework to support children and young people, work is underway on chronologies and how key issues in a child’s life can be identified and brought together online in a safe and secure environment to support practitioners in making the right decision for children. Under GIRFEC the work on chronology and information sharing will apply to all children wherever appropriate, whatever their level of need and risk. Chronologies have a particular significance for child protection.

A chronology lists in order of date all the major changes and events in a child or young person’s life. Lord Laming recommended the importance of chronology in child protection in both the reports into the deaths of Victoria Climbie (2003) and Peter Connolly (2008). A recent consultation by the Social Work Inspection Agency (SWIA) on a guide to chronologies suggested: “Chronologies have an important role in providing data to examine patterns and identify actual or potential risks”. SWIA’s Practice Guide ‘Chronologies’ was published in January 2010 and is now available for practitioners to use, alongside its Practice Guide ‘On the Record – getting it right: Effective management of social work recording’.

The review of the national child protection guidance is examining a wide range of issues, such as risk assessment toolkits and the sharing of information, set within the context of the Getting it right for every child approach.

As the GIRFEC agenda continues to progress, it is also now the time to review the legislation and regulations surrounding private fostering. With information on kinship care recently updated, a clearer definition of private fostering is needed to avoid confusion over both types of care.

Child Protection

The national strategy acknowledges that private fostering may be a cover for child trafficking and has said it will be closely liaising with the UK Government on immigration. The Scottish Government’s newly published guidance on child trafficking, ‘Safeguarding children in Scotland who may have been trafficked’, describes privately fostered children as particularly vulnerable to being “exploited in domestic servitude or other forms of forced labour, or even sexual exploitation”.

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The Scottish Government’s new child trafficking guidance acknowledges that concerning private fostering: “It is difficult for practitioners to identify these children and therefore to track their movements and hence monitor their welfare”.

The independent review into the circumstances surrounding the death of five year old Danielle Reid (2006) stressed the importance of joint working and chronology, warning: “If we all do not share in the early detection and support of Scotland’s vulnerable children, then the consequences of their subsequent neglect and abuse will re-visit us for many generations to come”. The review echoed concerns raised in Lord Laming’s report into the death of Victoria Climbie that exchange of information about children and families is inhibited by Data Protection and Human Rights legislation.

The Scottish Government’s review of child protection, ‘It’s everyone's job to make sure I’m alright’ raised concern that “Many adults and children have little confidence in the child protection system and are considerably reluctant to report concerns about abuse or neglect”. The review suggested many children never tell anyone they are being abused, while its findings suggest that the system is not always well understood by the public. Even where people were willing to report abuse, they suggested getting access to help was not easy.

The review also recommended that: “All agencies should review their procedures and processes and put in place measures to ensure that practitioners have access to the right information at the right time, and in particular to ensure that:

- Where children present to medical practitioners with an injury or complaint, practitioners must consider what further information is available from their own or other agencies before they rule out the possibility of continuing risk.
- Where children present to any hospital, there should be in place mechanisms for checking other health records to ensure a pattern of injuries is not being missed.
- Where there have been concerns about possible abuse or neglect, schools, police, health service and social work service files should contain a succinct, readily accessible chronology of events or concerns which can be easily referred to should a further incident or concern arise. This chronology should contain information relating to the child and, where known, information relating to other people in the child’s life, for example, any previous deaths of children of a mother’s new partner.
- Courts should ensure bail address suitability checks are undertaken in cases where the alleged offence is against children, or in the case of domestic abuse, where children may be at risk.
- Caldicott guardians7 in Health Boards and Trusts should ensure that health professionals are aware of their responsibilities towards the care and protection of children. In particular they should ensure that where children are at risk of abuse and neglect information is shared promptly with other relevant professionals in line with the General Medical Council and the Scottish Executive guidance on when medical confidentiality can be breached”.

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7 Caldicott guardians are members of organisations that have a duty of care for the protection of individual’s rights to confidentiality.
We recommend that the impact of private fostering on a child’s development and what their needs and risks are should be included in the Scottish Government’s work on chronologies. Housing support officers, health visitors, police, schools, GPs, and other government and voluntary agencies should be working together to identify PFAs. This information must be shared with local authority social work departments so that children’s wellbeing is promoted and protected. Everyone has a shared responsibility to act together. We believe that eCare, the Scottish Government’s multi-agency information sharing framework could play a key role, for example by flagging when children’s files leave GP surgeries but their parent’s file remains.

GIRFEC guidance on eCare suggested: “By implementing the eCare Framework and the associated processes and models, the core components of GIRFEC can be realised and practitioners can work in an environment where joint working can flourish, concepts of thresholds can be eradicated, categories and labels can be eliminated, and help can be given to the child when they need it – by the person best placed to provide that assistance.”

Work is planned at the end of 2010 to test the electronic sharing of information across agencies using the Getting it right for every child approach.

Currently in Scotland, parents of children who have never attended a local authority school do not need permission from their local authority in order to educate them at home.

The recent report into home schooling in England (2009) recommended a registration scheme and new guidance for home schooling arrangements. Just like private fostering, there are concerns that home schooling could be used as a ‘cover’ for child abuse such as neglect, forced marriage, sexual exploitation or domestic servitude.

The Children’s Minister in the UK Government called for the review after warning: “In some extreme cases, home education could be used as a cover for abuse. We cannot allow this to happen and are committed to doing all we can to help ensure children are safe, wherever they are educated.”

If there were greater information between sectors, a new promotional campaign and better use of the notification scheme for legitimate private carers, then further efforts could be focused on identifying and safeguarding children who may be exploited or at risk of abuse in private fostering arrangements.
The Care Commission’s findings

The information we got from annual returns

Due to the regularly changing nature of private fostering arrangements, we have used annual return figures as the most appropriate way to measure numbers at a set point in time.

Comparing annual return figures for 2007–08 and 2008–09 (Table 1), there has been a rise in annual returns submitted by local authorities (only two were not submitted), but there has actually been a fall in the number of recorded PFAs. In 2008–09 there were a total of 16 recorded private foster carer arrangements in Scotland, a drop from 21 in 2007–08.

Table 1: Annual Returns
Number of recorded private fostering arrangements (PFAs) registered with Scottish local authorities (2007–08 and 2008–09)

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<th>Local authority council</th>
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In 2008–09, 73% of councils who submitted annual returns recorded zero PFAs, including Scotland’s three largest cities: Glasgow, Edinburgh and Aberdeen. Dundee, Scotland’s fourth largest city, recorded just one private foster carer in both annual return periods.

Zero PFAs were recorded in the rural areas of the Western Isles, Shetland and Orkney.

The local authority with the highest number of notifications was Fife Council, with eight private foster carers in 2007–08 and seven in 2008–09. Dumfries and Galloway Council reported the second highest level of PFAs, reporting three approved private foster carers in both annual return periods.

Scottish Borders Council is the first local authority in Scotland that has a contract with an independent fostering agency to undertake all work to do with private fostering. However, despite contracting out the task to an agency, the duty still remains with the local authority to ensure the wellbeing of children in private fostering arrangements.

Bringing in an independent fostering agency has not had a visible impact on the number of PFAs recorded in the Scottish Borders area, with the number of private foster carer arrangements dropping from two in 2007–08 to one in 2008–09.
What we found at inspection

A number of Care Commission officers (CCOs) made recommendations that greater awareness is needed to increase the notification and approval of private fostering arrangements (PFAs). In Edinburgh, for example, a CCO raised concern in the 2007–08 inspection that “the systems for gathering this information could not be relied on, and the responsibilities in relation to private fostering were not sufficiently publicised and understood.”

The inspection figures in Table 2 illustrate a similar pattern to the annual return data we collected, with our CCOs noting 25 private fostering arrangements during the 2007–08 inspections and 13 during 2008–09.

During the 2008–09 round of inspections, we found 22% of local authorities (seven councils) had in place policies or procedures on private fostering. Two out of the seven had only just drafted them.

At the same time, we noted that 16% (five councils) had leaflets, posters or advertising in place. However, CCOs reported just three local authorities were both raising awareness on private fostering and had policies and procedures in place: Glasgow City Council, Midlothian Council and West Dunbartonshire.
Table 2: Inspection reports
Number of recorded PFAs across Scottish local authorities (2007–08, 2008–09)

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<tr>
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<td>1</td>
<td>Dundee City</td>
<td>Dundee City Council - Fostering Service</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>East Ayrshire</td>
<td>East Ayrshire Council Fostering Service</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
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<td>East Dunbartonshire Council Fostering Service</td>
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<td>3</td>
<td>4</td>
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<tr>
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<tr>
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<td>n/a</td>
<td>Edinburgh, City of CEC</td>
<td>CEC Fostering Service</td>
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<tr>
<td>n/a</td>
<td>1</td>
<td>Falkirk</td>
<td>Falkirk Council Fostering Service</td>
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<tr>
<td>7</td>
<td>n/a</td>
<td>Fife</td>
<td>Fife Council Fostering Service</td>
</tr>
<tr>
<td>n/a</td>
<td>1</td>
<td>Glasgow City</td>
<td>Glasgow City Council Fostering Service</td>
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<tr>
<td>1</td>
<td>0</td>
<td>Highland</td>
<td>Highland Council Fostering Service</td>
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<tr>
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<td>n/a</td>
<td>Inverclyde</td>
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<tr>
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<td>n/a</td>
<td>0</td>
<td>Moray</td>
<td>Fostering Service - Elgin</td>
</tr>
<tr>
<td>0</td>
<td>n/a</td>
<td>North Ayrshire</td>
<td>North Ayrshire - Fostering Service</td>
</tr>
<tr>
<td>0</td>
<td>1</td>
<td>North Lanarkshire</td>
<td>North Lanarkshire Council - Fostering Service</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>Orkney</td>
<td>Fostering Service - Kirkwall</td>
</tr>
<tr>
<td>1</td>
<td>1</td>
<td>Perth &amp; Kinross</td>
<td>Perth &amp; Kinross Council</td>
</tr>
<tr>
<td>n/a</td>
<td>n/a</td>
<td>Renfrewshire</td>
<td>Renfrewshire Council Fostering Service</td>
</tr>
<tr>
<td>1</td>
<td>1</td>
<td>Scottish Borders</td>
<td>Scottish Borders Fostering Service</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>Shetland Islands</td>
<td>Shetland Islands Council - Fostering Service</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>South Ayrshire</td>
<td>South Ayrshire Council Fostering Service</td>
</tr>
<tr>
<td>0</td>
<td>n/a</td>
<td>South Lanarkshire</td>
<td>South Lanarkshire Council - Fostering Service</td>
</tr>
<tr>
<td>1</td>
<td>0</td>
<td>Stirling</td>
<td>Stirling Council - Fostering Service</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>West Dunbartonshire</td>
<td>West Dunbartonshire Council Fostering Service</td>
</tr>
<tr>
<td>1</td>
<td>1</td>
<td>West Lothian</td>
<td>West Lothian Council - Fostering Service</td>
</tr>
<tr>
<td>1</td>
<td>0</td>
<td>Comhairle Nan Eilean Siar</td>
<td>Fostering Service - Stornoway</td>
</tr>
<tr>
<td>25</td>
<td>13</td>
<td>total</td>
<td></td>
</tr>
</tbody>
</table>
The results of our website review

As well as looking at the data we collected from annual returns and inspection reports, we carried out a separate review of the information on private fostering available on Scotland’s 32 local authority websites.

With a lot of misunderstanding over what private fostering actually covers, local authority websites could be a key tool in increasing awareness and allowing private foster carers, parents and also privately fostered children to anonymously look for more information.

As of 1 November 2009, 69% (22 out of 32) of local authorities in Scotland had no information at all about private fostering on their website, despite most of them providing detailed information on fostering and adoption (Chart 1).

Only four local authority websites (12%) featured detailed information on private fostering, while 19% (six out of 32) featured basic information on private fostering, such as a definition without information on the need to notify a local authority. Out of the four councils that gave detailed information on private fostering, three of them recorded private fostering arrangements during either 2007–08 or 2008–09.

Aberdeenshire Council was the only local authority website featuring the Scottish Government’s leaflet on private fostering.

Chart 1: Website review
Information on local authority websites about private fostering (1 Nov 2009)
Overall, our findings back up concerns that private fostering arrangements remain unidentified. Both our annual return and inspection data show that the number of PFAs has actually fallen over the past year, with Scotland’s three largest cities recording no arrangements at all.

In 2007, the rate of privately fostered children was 0.89 per 10,000 population in Wales, 25% lower than the rate in England (1.19 per 10,000). In Scotland, during the same year, the rate of privately fostered children was 0.04 per 10,000 population.\textsuperscript{14}

If the same rate of privately fostered children in England applied to Scotland then there would be approximately 602 children identified. If the Welsh rate was applied then there would be 459 known children in private fostering arrangements. This compares to 21 private foster carers actually recorded in Scotland in 2007. However, direct comparisons cannot be fully accurate, as a number of different factors need to be taken into consideration, such as geographic spread of ethnic minorities.

Both inspection reports and our review of local authority websites indicate significant gaps in promoting private fostering, indicating the need for a major publicity drive when the Scottish Government updates current information.

However, our findings also indicate that even when a local authority has in place policies, procedures or promotional materials, the number of PFAs monitored by local authorities continues to remain worryingly low.
Arrangements to regulate PFAs in other parts of the UK

**Somebody Else’s Child – private fostering in England and Wales**

The UK Government launched the campaign ‘Somebody Else’s Child’ in January 2009 to increase national awareness of private fostering and the responsibilities of private foster carers. The background leading up to the launch of this campaign is as follows.

**Background: England**

Section 44 of the Children Act 2004 introduced additional duties on local authorities concerning private fostering, while previous regulations on private fostering were replaced by the Children (Private Arrangements for Fostering) Regulation 2005.

Aimed at strengthening the Children Act 1989, the 2004 Act placed a duty on local authorities to raise awareness about the need to notify local authorities of private fostering arrangements. It also introduced provisions to potentially establish a registration scheme in future for private foster carers in England.

The 2005 Regulations further placed a duty on local authorities to monitor the way that they carry out their duties concerning private fostering and to appoint a private fostering officer to monitor compliance with the notification system.

The National Minimum Standards for Private Fostering required that local authorities provide an annual evaluation on private fostering activity in their area to the Director of Children’s Services. In addition, a local authority should report annually to the Chair of the Local Safeguarding Children Board (LSCB) on how it satisfies itself that the welfare of privately fostered children in the area is adequately safeguarded and promoted, including how it co-operates with other agencies.

The Department for Children, Schools and Families (DCSF), which now collects information on private fostering through local authority returns, reports that there has been a steady increase in notifications since the new regulatory framework introduced in 2005 placed a duty on local authorities to promote and encourage notification of private fostering arrangements.

Looking at local authority websites in England, many of them provide dedicated guides for parents, foster carers, professionals and young people. Some of them also include notification forms on their websites.
Key findings on private fostering arrangements in England

The Statistical First Release (SFR), published by the DCSF, contains summary information from statistical data supplied by the 150 local authorities in England up to the year ending 31 March 2009. The SFR stresses that the figures contained are still believed to be an underestimate of PFAs and cautions against using the figures as an estimate.

Number of PFAs recorded (Table 3):
- Three out of 150 local authorities reported that they had had no PFAs during the year.
- At 31 March 2009, 1,530 children were reported as being cared for and accommodated in PFAs in England. This compares with 1,330 children reported at 31 March 2008 – an increase of 15%.

New private fostering notifications:
- At 31 March 2009, 2,180 new notifications were recorded, compared with 1,790 the previous year.
- The region with the highest number of notifications was London (400 notifications) and the lowest was the North East (80 notifications).

Table 3:
Number of children reported to English local authorities as being cared for and accommodated in private fostering arrangements for 2008 and 2009 (year ending 31 March)

<table>
<thead>
<tr>
<th>Region</th>
<th>Number of children under private fostering arrangements (31 March 2008)</th>
<th>Number of children under private fostering arrangements (31 March 2009)</th>
<th>Number of new notifications (March 2008)</th>
<th>Number of new notifications (March 2009)</th>
</tr>
</thead>
<tbody>
<tr>
<td>North East</td>
<td>60</td>
<td>70</td>
<td>80</td>
<td>80</td>
</tr>
<tr>
<td>North West</td>
<td>90</td>
<td>160</td>
<td>110</td>
<td>230</td>
</tr>
<tr>
<td>Yorkshire and Humberside</td>
<td>90</td>
<td>100</td>
<td>120</td>
<td>130</td>
</tr>
<tr>
<td>East Midlands</td>
<td>110</td>
<td>100</td>
<td>160</td>
<td>170</td>
</tr>
<tr>
<td>West Midlands</td>
<td>120</td>
<td>170</td>
<td>170</td>
<td>240</td>
</tr>
<tr>
<td>East of England</td>
<td>140</td>
<td>160</td>
<td>180</td>
<td>240</td>
</tr>
<tr>
<td>London</td>
<td>370</td>
<td>400</td>
<td>470</td>
<td>400</td>
</tr>
<tr>
<td>South East</td>
<td>230</td>
<td>220</td>
<td>260</td>
<td>360</td>
</tr>
<tr>
<td>South West</td>
<td>120</td>
<td>150</td>
<td>240</td>
<td>330</td>
</tr>
<tr>
<td>Total</td>
<td>1,330</td>
<td>1,530</td>
<td>1,790</td>
<td>2,180</td>
</tr>
</tbody>
</table>

NEW FL432}37930
DCSF figures collected over the last five years, following the duty placed on local authorities to raise awareness about the need to notify of private fostering arrangements, show that there has been a steady increase in arrangements registered (Chart 2). The figures show the number of PFAs notified has increased from 730 in 2005 to 1,530 by 2009 – a rise of 800.

Chart 2:
Number of children under private fostering arrangements in England (at 31 March) between 2005 and 2009

However, despite an increase in the number of known PFAs in England, the Department of Health’s Private Fostering Awareness Campaign estimated in 2001 that the actual number of children being privately fostered is more likely 8,000 to 10,000 – well above the numbers actually being notified.

The UK Government originally inserted a clause in the Children Act 2004 to allow for the creation of a registration scheme for private foster carers if considered appropriate. A further clause contained in the Children and Young Persons Act (2008) extended the time period a scheme could be introduced until 2011.

Private fostering in Wales

Background: Wales

The Care and Social Services Inspectorate Wales (CSSIW) reported in January 2009 that some progress has been made by Welsh local authorities in improving safeguards for children who are privately fostered, but stressed there is still much more work needed.14

The CSSIW review found evidence of good and innovative practice in safeguarding and promoting the wellbeing of privately fostered children, but found this was not consistent across local authorities.
Inspectors found the majority of private fostering placements were not identified as a result of the notification system for parents and carers, but following intervention from social services in the course of fulfilling other responsibilities or due to referrals.

The Office of the Children’s Commissioner Wales continued to raise particular concern about private fostering being identified in its report on child trafficking ‘Bordering on Concern’ (2009).

The report warns about privately fostered young people being used for domestic servitude, and stresses that practitioners working with children must never use cultural practices as justification for inaction.

**Key findings on Private Fostering Arrangements: Wales (See Table 4)**

- The CSSIW reports that the number of children known to be privately fostered remains low, with local authorities in Wales identifying 44 children privately fostered at 31st December 2007.
- Most children registered for private fostering were found in Newport City Council, with seven children registered. Six out of 22 local authorities had no PFAs.\(^{17}\)
- In 2007, the rate of privately fostered children was 0.89 per 10,000 population in Wales, 25% lower than the rate in England (1.19 per 10,000). In Scotland, during the same year, the rate of privately fostered children was 0.04 per 10,000 population.

**Table 4:**
Number of children on privately fostered register (year ending 31 December 2007)

<table>
<thead>
<tr>
<th>Region</th>
<th>Number of children on privately fostered register (year up to 31 December 2007)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Blaenau Gwent Country Borough Council</td>
<td></td>
</tr>
<tr>
<td>1 Bridgend County Borough Council</td>
<td></td>
</tr>
<tr>
<td>4 Caerphilly County Borough Council</td>
<td></td>
</tr>
<tr>
<td>3 Cardiff Council</td>
<td></td>
</tr>
<tr>
<td>3 Carmarthenshire County Council</td>
<td></td>
</tr>
<tr>
<td>1 Ceredigion County Council</td>
<td></td>
</tr>
<tr>
<td>4 Conwy County Borough Council</td>
<td></td>
</tr>
<tr>
<td>3 Denbighshire County Council</td>
<td></td>
</tr>
<tr>
<td>0 Flintshire County Council</td>
<td></td>
</tr>
<tr>
<td>3 Gwynedd Council</td>
<td></td>
</tr>
<tr>
<td>0 Isle of Anglesey County Council</td>
<td></td>
</tr>
<tr>
<td>1 Merthyr Tydfil County Borough Council</td>
<td></td>
</tr>
<tr>
<td>3 Monmouthshire County Council</td>
<td></td>
</tr>
<tr>
<td>7 Newport City Council</td>
<td></td>
</tr>
<tr>
<td>4 Pembrokeshire County Council</td>
<td></td>
</tr>
<tr>
<td>1 Powys County Council</td>
<td></td>
</tr>
<tr>
<td>0 Rhondda Cynon Taf County Council</td>
<td></td>
</tr>
<tr>
<td>0 Swansea City and County Council</td>
<td></td>
</tr>
<tr>
<td>0 The Vale of Glamorgan Council</td>
<td></td>
</tr>
<tr>
<td>2 Torfaen County Council</td>
<td></td>
</tr>
<tr>
<td>1 Wrexham County Borough Council</td>
<td></td>
</tr>
<tr>
<td><strong>44 Total</strong></td>
<td></td>
</tr>
</tbody>
</table>
The CSSIW review consisted of a detailed examination of surveys returned by all Welsh local authorities and follow up fieldwork in six authorities. Worryingly, where private fostering was identified, CSSIW reported only two of the six local authorities visited were conducting thorough assessments and were putting in place monitoring arrangements. It reported the remaining four local authorities visited had poor assessments and monitoring arrangements, for example checks were not always followed up.

Inspectors found only six out of 22 local authorities had conducted good awareness raising activities.

**Private fostering in Northern Ireland**

Part X of the Children (Northern Ireland) Order 1995 outlines the provisions relating to private arrangements for fostering children. It states Trusts must be notified in advance of any private fostering arrangement in their area, while the Trust must safeguard and promote the wellbeing of privately fostered children.

Guidance to Health and Social Care (HSC) Boards and Trusts on private fostering is contained within the ‘Guidance & Regulations Volume 3 – Family Placements and Private Fostering’. The guidance goes into great detail about who is covered by private fostering arrangements, local authorities’ duty to ensure the wellbeing of these children and the duty of parents and private foster carers to notify them of arrangements.

In January 2009 BAAF (Northern Ireland) arranged an awareness raising seminar. The event was well attended and acted as an important reminder to Trusts and other agencies of the legal framework concerning private fostering. One Trust has since produced leaflets on private fostering as a result of attendance at the seminar.

At this event it was agreed that data collection on privately fostered children was needed and that this should form part of the Discharge of Statutory Functions reports from each of the new Health and Social Care Trusts, created following the Review of Public Administration (RPA). These reports have now been returned and figures will soon be made available.

The Department of Health, Social Services and Public Safety (DHSSPS) has also recently held a consultation seeking views on current Vetting Requirements for Adoption, Fostering and Private Fostering.
Conclusion and recommendations – a more proactive approach

Recorded numbers of privately fostered children in Scotland are so low that they cannot be reliable. If the same rate of known privately fostered children in England applied to Scotland then there would be nearly 30 times more children in private fostering arrangements than were actually recorded in Scotland in 2007.

Significant action is needed to ensure these children are safeguarded and legitimate private foster carers are offered support. Taking our findings into account and the current situation across the rest of the UK, the Scottish Government, local authorities and other agencies must take a proactive approach in updating and promoting information on private fostering.

In particular, parents need to know about their duty to notify local authorities. Private foster carers must be made aware of the support they can get by notifying local authorities of arrangements, such as legal advice. They must be encouraged to come forward, with the incentives for notifying local authorities made clear to them.

In Wales, the CSSIW warns that the number of children known to be privately fostered remains low at 44 PFAs in 2007. However, our figures show that the situation is even more worrying in Scotland, with just 16 PFAs in 2008–09 and none of Scotland’s three major cities recording any arrangements.

Our report findings support the need for a number of major promotional campaigns to make everyone aware of what private fostering means and about the duty to notify the relevant local authority of the arrangement.

We believe any campaigns must be accompanied by better information sharing between public and voluntary bodies with an interest in safeguarding children. The importance of this was demonstrated by CSSIW findings that the majority of PFAs were identified after intervention from social services or referrals from, for example, schools and doctors rather than notification from parents.

Although there has been a significant rise in private fostering recorded in England following a major promotional campaign and duty placed on local authorities to raise awareness about the need to notify of PFAs, the latest figure of 1,530 arrangements is still far away from estimates that there could be 8,000 to 10,000 children being privately fostered.

If this unacceptable situation in Scotland does not improve there should be serious consideration given to requiring private foster carers to register with the Care Commission (and the subsequent regulator), as is the case with childminders.

We strongly recommend that the Scottish Government, in consultation with the Care Commission, local authorities and other key stakeholders, consider such regulation. However,
we acknowledge that registering private fostering arrangements could be a costly and lengthy process. It would take time to make people aware of the registration process. Furthermore, there is no previous example of a country setting up a registration process for private foster carers.

Each local authority has a duty to check “that the welfare of children in private fostering placements is safeguarded and promoted as for other children in need or looked after by the local authority.” The majority of local authorities cannot be confident that they are meeting this duty, with many privately fostered children being left unidentified, potentially vulnerable and open to exploitation and abuse.

The Scottish Government, local authorities, the Care Commission and other major stakeholders need to work together to ensure that these children are better safeguarded and supported.

What we recommend

1. The Scottish Government and local authorities should launch major awareness raising campaigns about what private fostering means and parents’ duty to notify local authorities of arrangements.

2. Local authorities and their children’s services planning partners need to be more proactive, on an ongoing basis, to identify privately fostered children. Linked to child protection and GIRFEC arrangements, all children’s services plans should state how they will do this and how they will monitor progress.

3. Local authorities should produce an annual report on private fostering activity in their area for the Chief Social Work Officer, which is then submitted to their local Child Protection Committee. The Committee should use the report to decide whether public information, joint working and practice are robust enough to:
   • make the public aware of the need to notify local authorities
   • protect children and safeguard their wellbeing
   • review any PFAs in line with current regulations
   • identify and support private fostering placements.

4. All local authorities should have clear information on private fostering on their websites, telling people how to notify them of the PFA and what support is available once they have done this. This should include the Scottish Government’s electronic leaflet on private fostering or a version of this leaflet adapted for their website. They should also make notification forms readily available online.

5. The Scottish Government should work with local government to develop and publish good practice guidelines on how local authorities and their children’s services planning partners should meet their obligations concerning PFAs. Using the Getting it right for
every child approach, this guidance could help GPs, schools, housing, police and other relevant bodies to identify and support private fostering, and meet their corporate parenting and child protection responsibilities.

6. National and local government should engage membership organisations, such as The Fostering Network and BAAF, to help with publicity campaigns and advise private foster carers of the range of support, including legal advice, which is available to them.

7. The Care Commission will continue to report on what local authorities are doing to encourage people to notify them about PFAs and how local authorities are meeting their obligations as set out in the private fostering regulations.

8. The Scottish Government, relevant partners and the new scrutiny body set to replace the Care Commission in April 2011 should review and update legislation and guidance on private fostering. They should also consider whether more radical action is needed to identify and protect children in these arrangements. This should include considering whether private foster carers should be registered by the new scrutiny body and be subject to regulation, inspection, complaints investigation and possible enforcement action.

9. The new scrutiny body should review the impact of the recommendations we made in this report after a two-year period and report to the Scottish Government on whether improvement has been made.
References

footnotes

1 No annual returns were available for Argyll and Bute Council, Comhairle Nan Eilean Siar (Western Isles Council) for 2008–09

2 No annual returns were available for Argyll and Bute Council, Comhairle Nan Eilean Siar (Western Isles Council), East Lothian Council, Edinburgh City Council, North Ayrshire Council and Clackmannanshire Council for 2007–08

3 The Looked After Children (Scotland) Regulations 2009 – www.oqps.gov.uk/legislation/ssi


5 An overview of the Getting it right approach – www.scotland.gov.uk/Publications


7 Caldicott Guardians are senior staff in the NHS and social services appointed to protect patient information.


10 www.timesonline.co.uk/tol/life_and_style/education/article5549380.ece


13 Aberdeenshire Council, Dumfries & Galloway Council, Perth & Kinross Council, and Renfrewshire Council all featured comprehensive information on private fostering.
Based on 2001 Census and Care Commission annual returns (2007–08)


Review of Welsh Local Authorities arrangements for private fostering 2008 – wales.gov.uk/cssiwsubsite/newcssiw

The Vale of Glamorgan Council, Swansea City and County Council, Rhondda Cynon Taf County Borough, Neath Port Talbot County Borough Council and Isle of Anglesey County Council.

Responsibilities, accountability and authority of Health and Social Services Boards and Health and Social Care Trusts in carrying out relevant functions to safeguard and promote the welfare of children (DHSSPS).

The RPA has been the first major examination in over 30 years of how public services in Northern Ireland are organised and delivered. It led to the creation of five Health and Social Care (HSC) Trusts in Northern Ireland to provide integrated health and social care services across Northern Ireland.


publications

Bordering on Concern: Child Trafficking in Wales, ECPAT UK and the Children’s Commissioner for Wales, 2009

The Children Act 2004

The Children (Scotland) Act 1995

The Children (Scotland) Act 1995 Regulations and Guidance Volume 1: Support and Protection for Children and Their Families

The Children (Scotland) Act 1995 Regulations and Guidance Volume 2: Children looked after by local authorities


Children (Northern Ireland) Order 1995

Children Order Series of Regulations and Guidance Volume 3: Family Placements and Private Fostering, Department of Health, Social Services and Public Safety (DHSSPS), 1995
Children (Private Arrangements for Fostering) Regulations 2005

Children and Young Persons Act 2008


Consultation on Vetting Requirements in Adoption, Fostering and Private Fostering, DHSSPS, 2009
Consultation Responses on National Fostering and Kinship Care Strategy, Scottish Government, 2007

Danielle Reid: Independent Review into the Circumstances Surrounding Her Death, Highland Child Protection Committee and Dr Jean Herbison, 2006


Foster Children (Scotland) Act 1984

Foster Children (Private Fostering) (Scotland) Regulations 1985

Fostering of Children (Scotland) Regulations 1996

Getting it right for every child (GIRFEC) in foster care and kinship care – a national strategy, Scottish Government, 2007

GIRFEC Electronic Information Sharing Models and Process, Scottish Government, 2009

It’s everyone’s job to make sure I’m alright, Report of the Child Protection Audit and Review, 2002

The Looked After Children (Scotland) Regulations 2009


Practice Guide, Chronologies, Social Work Inspection Agency (SWIA), 2010

Practice Guide, On the Record – getting it right: Effective management of social work recording, SWIA, 2010

Private Fostering Arrangements in England year ending 31 March 2008, Department for Children, Schools and Families (DCSF), 2009

Regulation of Care (Scotland) Act 2001

Review of Elective Home Education in England, Graham Badman, 2009

Review of Welsh Local Authorities arrangements for private fostering 2008, Care and Social Services Inspectorate Wales (CSSIW), 2009

Safeguarding Children in Scotland who may have been Trafficked, Scottish Government, 2009

Somebody Else’s Child, Department of Children, Schools and Families (DCSF), 2010

The Victoria Climbie Inquiry Report, Lord Laming, 2003
This publication is available in other formats and other languages on request.

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