
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Children (Private Arrangements for Fostering) Regulations 1991 in relation to England, following amendments to the private fostering notification scheme made by section 44 of the Children Act 2004.

Regulation 3 requires any person proposing to foster a child privately, any person involved (whether directly or not) in arranging for the child to be fostered privately, and a parent of the child or other person with parental responsibility for the child who knows that it is proposed to foster the children privately, to notify the appropriate local authority in advance of the arrangement starting. Notification by the proposed private foster carer has to be given at least six weeks before the private fostering arrangement is to begin, or where the arrangement is to begin within six weeks then immediately. Others required to give notification under regulation 3 must do so as soon as possible after the arrangement has been made, or as soon as possible after they become aware of the arrangement.

The notification should contain such of the information set out in Schedule 1 as the person giving the notification is able to provide.

Having received a notification the local authority then have to arrange for an officer of the authority to visit the place where the child will live and speak to the proposed private foster carer, members of his household, the child and others (regulation 4) and establish such matters as are listed in Schedule 2 as appear relevant to the officer. The officer then has to make a written report to the authority.

Regulation 5 sets out the requirement to notify the local authority of the arrangement where notification under regulation 3 has not been given. Regulation 6 sets out the requirement to notify the local authority when a private fostering arrangement of which they have been notified under regulation 3 actually starts. Having received notification under either regulation 5 or 6, the local authority must arrange for an officer to carry out visits and establish such matters listed in Schedule 3 as appear to him to be relevant (regulation 7).

Regulation 8 is concerned with local authority visits to the child once the private fostering arrangement has started. It provides for when the visits should take place and what the officer of the authority should do when carrying out a visit. After each visit he is required to make a written report to the local authority.

Private foster carers are required to notify the local authority of certain changes in circumstances, such as a change of address or when someone leaves or joins their household. If the private foster carer moves to the area of another local authority then certain information is required to be passed to the local authority for the new area by the local authority for the old. The parent of a privately fostered child, or other person with parental responsibility for the child, who knows that the child is being fostered privately must notify the local authority of a change of their address (regulation 9).

Regulation 10 is concerned with notification of the end of the arrangement. A person who has been fostering privately a child must notify the local authority within 48 hours of him ceasing to foster the child privately, and if the reason for the ending of the arrangement is that the child has died then he must tell the local authority that that is the reason.

All notifications given under these Regulations must be in writing (regulation 11).

Regulation 12 requires local authorities to monitor the way in which they discharge their functions in respect of privately fostered children and to appoint an officer of the local authority for that purpose.