



Department  
for Education

# **Notifications of private fostering arrangements in England**

**Government consultation response**

**December 2015**

# Contents

Introduction	3
Summary of responses received and the government's response	5
Next steps	8
Annex A: List of organisations that responded to the consultation	8

## Introduction

On 14 August 2015, the Government launched a one month public online consultation on a proposal to close down the annual private fostering<sup>1</sup> data collected from local authorities. The consultation proposed to instead gather information on private fostering through the addition of new questions to the existing annual children in need census which is completed by all local authorities<sup>2</sup>. The consultation closed on 15 September 2015. This document is the Government's formal response to that consultation.

Local authorities currently provide the Department for Education (DfE) with aggregate annual data on:

- a. the total number of privately fostered children known to local authorities each year;
- b. the number of children privately fostered visited on time, according to the regulations<sup>3</sup>; and
- c. the number of children in private fostering arrangements which started that year, by age and place of birth.

In the consultation, the Government proposed closing down this return as it provides only limited numerical information concerning children in private fostering arrangements and does not identify how many arrangements, or which types, are harmful. This data is therefore of little relevance in keeping children safe.

The Government also proposed the insertion of additional questions as part of the children in need census to enable better identification of the types of arrangements posing most risk of harm to children<sup>4</sup>.

This new data should help national and local Government identify the kind of abuse perpetrated against children privately fostered and whether there are any significant differences between the types of arrangement children are in. This insight can be used in future to support targeted action leading to better safeguarding and prioritisation of privately fostered children.

---

<sup>1</sup> A private fostering arrangement is one that is made privately without the involvement of the local authority although the local authority has a duty to satisfy itself that the welfare of a child privately fostered within their area is satisfactorily safeguarded and promoted. Under this arrangement parents continue to retain parental responsibility for their child. A privately fostered child is one under the age of 16 (or 18 if disabled) who is cared for by someone other than a parent or close relative, in their own home, with the intention that it should last for 28 days or more.

<sup>2</sup> Characteristics of Children in Need: <https://www.gov.uk/government/statistics/characteristics-of-children-in-need-2014-to-2015>

<sup>3</sup> The Children (Private Arrangements for Fostering) Regulations 2005

<sup>4</sup> To note that private fostering arrangements are not a homogenous group. Ofsted has recognised four broad types of private fostering arrangement: UK children in educational placements; UK children experiencing family disruption, overseas children who intend to return; overseas children intending to stay.

# Summary of responses received and the government's response

## Overall support for the proposal

Breaking down the responses numerically, of the 34 responses received:

- 26 were from local authorities (17% of all local authorities);
- five were from voluntary and community sector and other organisations, and
- three were from government organisations.

When asked if they agreed with the proposal more were in favour than against:

- 13 of the 34 respondents were in favour of the proposal;
- nine respondents were not sure;
- 10 were against; and
- two did not provide a response.

Twelve local authorities were in agreement with the proposal and seven were not sure. Of these seven, two held reservations about the potential notice period given to make these changes, which we will address later in the document, while another two indicated support for the proposal within their broader narrative.

Given that local authorities are best placed to use this data to better support safeguarding of privately fostered children in their local area, their returns are of significance.

## Narrative comments on the proposal

Narrative responses to the consultation were mixed and varied views were expressed across all stakeholders. Some concerns were also raised suggesting the need for additional clarity on certain elements of the proposal. In summary, points made in narrative responses included the below:

- Many respondents supported the view that PF1 data in its current form was of little practical use in helping to target those children most at risk of harm in private fostering placements; with others agreeing that the proposal would be an improvement, supporting efficiencies and allowing for better targeting of risk profiling and cross-analysis of trends and data.

- Most respondents said that closure of PF1 would not have a negative impact on their work with one local authority estimating that the change would result in two to three days' time saved each year.
- Respondents gave a range of views on whether the changes would help with better identification of types of private fostering arrangements of most concern with the majority agreeing that it would, but with some querying how useful private fostering data collected through the children in need census would be.

### **Enduring challenge: non-notified private fostering arrangements**

It is the intention that these changes will help improve the data collected on private fostering arrangements where the child is deemed at risk of harm. This is expected, over time, to help build a better picture of risks to such children and to ensure resources and policies are appropriately targeted to give these children the protection and support they deserve.

It is only by starting to collect this information that we can also begin to make in-roads into better understanding the enduring challenge of non-notified private fostering arrangements. In making this change, we also seek to respond to the spirit of Ofsted's recommendation<sup>5</sup> for the Department to collect better quality national data on private fostering to support improved risk assessment and management of such children.

While respondents broadly supported this proposal, there were understandably some issues raised on what this change would mean in practice with some of these addressed below.

### **Private fostering policy remains unchanged**

We would like to make it absolutely clear that this change only affects the PF1 data collection returned to the Department. What has not changed is the duty on local authorities to satisfy themselves that the welfare of a child privately fostered within their area is satisfactorily safeguarded and promoted<sup>6</sup>. Nor does it change the way local authorities discharge their statutory duties in line with 'The Children (Private Arrangements for Fostering) Regulations 2005'.

Local authorities will still be expected to collect appropriate data on private fostering arrangements to help monitor performance locally and support compliance by, for example, providing an evaluation report to the Director of Children's Services, making an

---

<sup>5</sup> Private fostering: better information, better understanding, Ofsted 2014

<sup>6</sup> Under s67(1) of the Children Act 89 and The Children (Private Arrangements for Fostering) Regulations 2005

annual report to the Local Safeguarding Children Board and supplying data to inform Ofsted inspections among others. Private fostering should therefore continue to remain as much a priority for local authorities as it is now.

It is not expected that ceasing the PF1 collection and expanding the children in need census will in itself result in an increase in private fostering notifications. However, future analysis of the child level data in the children in need census should help provide more intelligence on the profiles of harmful private fostering arrangements which may lead to more effective policies and practices to improve detection rates in the long term. The new expanded list under private fostering in the children in need census should particularly help identify arrangements posing risks for overseas children (a concern for some respondents) and, over time, build a picture to support activities to increase identification and notification. The current PF1 collection does not currently allow for monitoring of such activities.

We also want to make clear that the Department does not expect local authorities to record every private fostering arrangement as a child in need if they do not already do so. It is for individual local authorities to interpret the definition of a child in need based on the threshold set in law and determine if they wish to apply this to a privately fostered child.

We understand that this means we will not know the total number of known private fostering arrangements at a point in time but we will, though, receive more detailed information about those private fostering arrangements most at risk of harm which is key to safeguarding such children.

## Next steps

All local authorities will be notified of the PF1 data collection closure with immediate effect. We have recently issued guidance on the changes to the children in need census following the usual agreed timescales - the required 6-month pre-collection notice - to allow local authorities and software suppliers time to implement the changes. This will help ensure that the extra sub-categories of the private fostering factors identified at the end of assessment will be included in the 2016 to 2017 children in need census.

The children in need census, “Additional guide on the factors identified at the end of assessment” which includes a section on private fostering can be found [here](#).

## **Annex A: List of organisations that responded to the consultation** (excluding responses asked to be kept in confidence)

- West Berkshire
- Wiltshire Council
- Derby City Council
- Dudley Metropolitan Borough Council
- Rotherham Metropolitan Borough Council
- Anonymous (local authority)
- Sutton London Borough Council
- Northampton County Council
- Essex County Council
- North Yorkshire County Council
- Warwickshire County Council
- Hounslow Council
- Cheshire East Council
- Westminster City Council
- Oxfordshire County Council
- Bracknell Forest Council
- Kirklees Council
- Southend Council
- Leeds Council
- Torbay Council
- Bexley Council
- Milton Keynes Council
- Salford City Council
- Surrey County Council
- Worcestershire Council
- Devon County Council
- TACT
- ECPAT UK
- Children's Society
- Children and Families Across Borders (CFAB)
- Coram/ BAAF



- Ofsted
- Home Office



Department  
for Education

© Crown copyright 2015

This document/publication (not including logos) is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

To view this licence:

visit [www.nationalarchives.gov.uk/doc/open-government-licence/version/3](http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3)

email [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk)

write to Information Policy Team, The National Archives, Kew, London, TW9 4DU

About this publication:

enquiries [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)

download [www.gov.uk/government/consultations](http://www.gov.uk/government/consultations)

Reference: DFE-00315-2015



Follow us on Twitter:  
[@educationgovuk](https://twitter.com/educationgovuk)



Like us on Facebook:  
[facebook.com/educationgovuk](https://facebook.com/educationgovuk)