

CHAPTER 2 THE DEPARTMENT'S ROLE

INTRODUCTION

1. The Act gives the Department authority to regulate the private fostering of children. This follows the Children Act 1989 in most respects.
2. The Department's role is to satisfy itself that:
 - a. the foster carers are suitable, and
 - b. the arrangements are satisfactory.
3. It does not approve or register private foster carers. It is necessary therefore to find a proper balance between parental responsibilities and statutory duties towards the welfare of children in private foster care.
4. This section covers the Department's responsibilities under the Isle of Man legislation, and provides guidance on how these responsibilities should be fulfilled.
5. The section is in four parts:
 - i. what the law says on notifying the Department about private fostering,
 - ii. assessing the suitability of private foster carers and their premises, including notification, prohibition, requirements and disqualification, and inspection of accommodation,
 - iii. promoting the welfare of children in private foster care, including the supervision of foster children, and advice to foster carers, and
 - iv. Departmental records and their keeping.

THE LAW ABOUT NOTIFICATION OF PRIVATE FOSTERING

6. Responsibilities in The Private Fostering (Notification) Regulations 2002. These duties are the responsibility of the following people:
anyone who is involved, directly or indirectly, in arranging
 - i. The duty to notify the Department about private fostering is set out private foster care for a child,
 - ii. anyone who intends to be involved, directly or indirectly, in arranging private foster care for a child,
 - iii. a parent or a person with parental responsibility for a child who knows that it is proposed that a child should be fostered privately, and

	<p>iv. anyone who proposes to foster a child privately.</p> <p>7. The parent of a child fostered privately, or anyone with parental responsibility for him or her, is also required to notify the Department of his or her change of address.</p> <p>8. Anyone who is fostering a child privately is also required to notify the Department of his or her change of address.</p> <p>9. Anyone who is fostering a child privately must also notify the Department:</p> <ul style="list-style-type: none">i. of any offence of which he or she has been convicted, on the Island or elsewhere,ii. about anyone who begins or ceases to be a member of his or her household,iii. that he or she has ceased to foster a child privately, including informing the Department if the child has died. <p>Timescales</p> <p>10. The timescales for notification are as follows:</p> <ul style="list-style-type: none">i. Actual foster carers Anyone already fostering a child, e.g. someone registered as the childminder of a particular child under the age of 8 for the first 28 days of the placement must notify the Department within 48 hours of the start of the fostering arrangement.ii. Prospective foster carers Anyone who is or proposes to be involved in arranging for a child to be fostered privately on the Island must notify the Department not less than six weeks and not more than 13 weeks before the arrangement is due to begin.iii. Parent's duty Any parent or other person with parental responsibility for the child who knows about a private fostering arrangement must notify the Department not less than six weeks and not more than 13 weeks before the arrangement is due to begin.iv. Emergencies Parents, anyone with parental responsibility, the private foster carers or anyone who is or proposes to be involved in arranging for a child to be privately fostered (whether or not directly involved) must notify the Department of the placement of a child in foster care in an emergency with 48 hours of the beginning of the placement.v. Changes in the child's circumstances If the child moves the former foster carers must notify the
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Department in writing within 48 hours of the move, and give the name and address of the person into whose care the child has moved

vi. Changes in foster carers' circumstances

Foster carers must notify the Department in writing of any of the changes in circumstances listed above within 48 hours of the change.

11. Anyone who fails to notify the Department within the prescribed time or a reasonable time without reasonable excuse, makes a false or misleading statement or gets someone else to do so, is liable to be convicted of an offence and fined up to £5,000.

12. The proceedings in such a case must be brought within six months of the time when the evidence of the offence comes to the Department's attention.

Notifications to be made by prospective and actual foster carers

13. Notification of children already fostered privately or of intention to do so should contain the following information:

- a. the name, sex, date and place of birth, religious persuasion, ethnic origin and cultural and linguistic background of the child,
- b. the name and address of the person giving the notice and any previous addresses within the last five years,
- c. the purpose and intended duration of the arrangement,
- d. the name and address of any parent of the child and of any other person who has parental responsibility for the child and (if different) of any person from whom the child was, or is to be, received,
- e. the name and address of any person, other than a person specified in d. above, who is involved directly or indirectly in making the fostering arrangement, and
- f. the intended date of the beginning of the fostering arrangement or, the date on which the arrangement actually began.

Systems and procedures in relation to notification

14. The Department's notification system will include:

- a. publicity,
- b. the ready availability to prospective private foster carers, parents and others, of advice and information on the requirement to notify the Department,
- c. forms for notification which are easy to use and clearly

designed to gather the required information.

15. Notifications will be acknowledged by the Department in writing.
16. Joint planning with other agencies on the Island with a view to ensuring that the welfare of proposed, or actual, foster children is satisfactorily safeguarded and promoted.
17. Other agencies, particularly health visitors and schools, will be encouraged to liaise with the Department of Health and Social Security about the existence of private foster children of whom the Department may not be aware.

Disqualification

18. Under the Act certain people can be disqualified from fostering privately. The Department will conduct enquiries to determine whether a prospective foster carer or any members of his or her household is disqualified from fostering a child privately.
19. A declaration form can be used to enable the person to give his or her written consent for enquiries to be made with other agencies.
20. The Department can cancel or vary a prohibition or a requirement imposed on a foster carer if it is satisfied that it is no longer justified.

Changes of circumstances

21. The Act requires foster carers to notify the Department in writing of certain changes in circumstance, as follows:
 - a. any offence of which he or she has been convicted in the Island or elsewhere,
 - b. any change of his or her address,
 - c. any person joining or leaving his or her household,
 - d. ceasing to foster a child, including letting the Department know if the child has died.

Failure to notify

22. Anyone who fails to make the required notification, makes a false notification, or gets another person to do so, is guilty of an offence and liable on summary conviction to a fine of up to £5,000.
23. Proceedings may be brought within six months of the date when evidence of the offence came to the Department's knowledge.

ASSESSING THE SUITABILITY OF PRIVATE FOSTER CARERS

Initial enquiries

24. The Department has a duty to satisfy itself that the welfare of children who are privately fostered is satisfactorily safeguarded and promoted.
25. The Department's initial enquiries can take place before or after a placement has begun.
26. Personal references will be taken up at the same time.
27. Determining the suitability of the person, his or her accommodation, and the proposed arrangements can best be achieved by:
 - a. consulting the person who proposes to foster a child, and the parent about the reasons for having him or her privately fostered, and
 - b. making advice available to the prospective foster carer.
28. Frank discussions will be held with the prospective foster carer, and the social worker will make it quite clear that the welfare of the child is paramount.
29. The prospective foster carer should be given a clear understanding of the purpose of the enquiries so that he or she understands that the social worker has a duty to assess:
 - a. the suitability of the person and his or her household, and
 - b. the suitability of the accommodation in which the child is to be privately fostered,so that neither will prejudice the welfare of the child, and the proposed arrangements are likely to provide a safe and stable environment for the child.

See Matters to be Explored on the Initial Visit on the next page.

30. The social worker will meet the entire household on at least one occasion.
31. The enquiry process will provide opportunities for the prospective foster carer to opt out of the proposed arrangements if he or she wishes.

Checking police records

32. Prospective private foster carers must give written consent for police records to be checked for any previous convictions.
33. The authorities on the Island should check their own records on the individual who proposes to foster a child privately and other members of the household. If he or she has only been on the Island for a short time the Department will liaise with local authorities on the mainland.

34. A record of convictions will not necessarily prevent the person from fostering a child privately, but will require careful consideration by the social worker in consultation with senior staff.

The disqualification provisions are set out in the Disqualification for Caring for Children Regulations 2002.

35. The Police should also be asked to check the records of all members of the prospective foster carer's household. Unless members of the household agree to police checks being made the Department will not be able to satisfy itself as to the welfare of the child.

The initial assessment visit - matters to be explored

36. The social worker will gather information for an assessment of the following aspects of the prospective foster carer's life and home.

Parenting capacity

37. Other agencies' views may be sought. The health visitor, for example, may have some knowledge of the person's experience of caring for children generally, children of different ages, those from a particular ethnic minority group, or those with special needs.

The person proposing to foster a child should be made aware that such views will be sought.

Household relationships

38. The extent to which other members of the household may participate in the daily care of a privately fostered child.
39. The demands made by other members of the household on the prospective foster carer. The impact on family life of fostering a child privately should be discussed fully with everyone.
40. The extent of contact with persons staying with the family. Where the person is over 16 and the degree of likely involvement is significant, the guidance in the paragraph above on police records may be relevant.

Religion

41. The prospective foster carer's expectations of the extent to which the child will be expected to take part in the household's religious life, and how far this would be compatible with the expectations of the child and his or her parents.

Ethnicity

42. Where a child is known to come from a particular minority ethnic group or cultural background - the prospective foster carer's understanding of the child's culture and language.
43. The prospective foster carer's understanding of the child's culture,

and how far he or she is prepared to develop an understanding. The social worker should offer advice if necessary

Parental visits

44. The prospective foster carer's attitudes and expectations:
- a. the extent to which he or she is aware of the need to work in partnership with the parents,
 - b. how far he or she intends to promote contact between the child and his or her parents,
 - c. his or her willingness to facilitate visits by parents and relatives to their home.

Lifestyle

45. The standard of living and "life style" of the prospective foster carer, and how their employment, leisure activities and other interests affect family life. Where the prospective foster carer is employed outside their home, he or she will need to make arrangements for proper care before and after school if necessary, and during sickness and holidays;
46. The foster carer's willingness to provide an appropriate diet for a child from an ethnic minority community, including any food which is important for religious observance.

Education

47. The foster carer's expectations in relation to the child's education, including his or her:
- a. commitment to ensuring that the child attends school regularly,
 - b. recognition of the need to provide educational support, and where necessary,
 - c. ability to cope with the challenge of providing support to a child with special educational needs.
48. The social worker should discuss the issues with the foster carer, and provide information about the statutory and voluntary agencies able to offer support.

Discipline, permissible and non-permissible punishment

49. The foster carers' views on discipline, including how prepared he or she is to accept that corporal punishment is not appropriate for privately fostered children.
50. The term "corporal punishment" covers any intentional application of force as a form of punishment. This includes: slapping, pinching, squeezing, shaking, throwing objects and rough handling.

51. Punching or pushing a young person in the heat of the moment in response to violence is also regarded as "corporal punishment".
52. Avoiding the use of corporal punishment does not mean that physical action cannot be taken in circumstances where it is necessary to avert immediate danger of e.g. personal injury to the child or another person, or to avoid immediate danger to property.
53. The following forms of punishment should also be avoided with privately fostered children:
 - a. verbal abuse, derogatory remarks, and pointed jokes,
 - b. refusing meals,
 - c. restriction of visits to and from family and friends.

Managing Behaviour', produced by The National Foster Care Association contains helpful advice on discipline

Purpose and duration of the fostering arrangement

54. The purpose and intended duration of a fostering arrangement needs to be clearly established by the Department before the placement starts.
55. The details should be included on the notification and reviewed by the social worker on every visit to the foster home. They should be reviewed on every visit made by the social worker to the private foster home so that any change can be anticipated, and the parents, the child and other carers can be involved and consulted. This will help to avoid unplanned moves or drift.
56. Where it seems likely that any difficulties may be resolved by the child being moved precipitately, a requirement to inform the Department in advance should be considered, so that action to promote the welfare of the child can be explored.

See "Continuity and Change" (p.32) and "Unsatisfactory Care" (p.4).

Ascertaining the wishes of the child

57. The child's views should always be sought, subject to his or her ability to understand.
58. When the placement is being considered and at the beginning of it, in particular:
 - a. the child's views and feelings about being privately fostered need to be taken actively into account, and
 - b. the social worker should allow the time necessary to deal with any anxiety which this may cause for the foster carer.
59. All children need information and explanations to develop their own views and make choices. Reassuring them and helping them over

their anxieties is essential to safeguard and promote their welfare. Handled sensitively this will enable the child to feel that the burden of decision making does not fall totally upon him or her.

60. The social worker should be clear about how to handle confidences.
61. The more mature the child, the more fully he or she will be able to participate in discussion and decision-making. However young the child, the social worker should make every effort to discover his or her true feelings. Wishes and feelings can often be established indirectly by observation or play or, in the case of a very disturbed child, through therapy.
62. If the child has communication difficulties, the social worker should ensure that he or she is enabled to express his or her views as fully as possible. It may be necessary to consult someone with communication skills such as sign language, Makaton or Bliss symbols - a language of signs used by people with severe learning difficulties.
63. An interpreter may be required when the child's first language is not English.
64. The importance to a child of maintaining his or her first language should always be addressed since eventual return to her or his family or community will be more difficult for the child who is unable to use his/her "own" language.
65. While the child's views, feelings and consent (or otherwise) should be fully considered, the social worker should take all reasonable steps to ensure that the principle of partnership with and between the child's parents and foster carers is maintained at all stages of the placement.

PROMOTING THE WELFARE OF PRIVATELY FOSTERED CHILDREN

The frequency of visits

66. The purpose and frequency of supervisory visits to children in private foster care are set out below.
67. Supervisory visits to children in foster care should take place as follows:
 - a. during the first year of the fostering arrangement - within one week of the beginning and then every six weeks,
 - b. in the second and any subsequent years – at intervals of not more than three months,
 - c. whenever the Department considers it necessary in order to safeguard and promote the child's welfare, and

- d. when reasonably requested by the child or the foster carer.
68. Other visits or enquiries may also be required to monitor the continuing suitability of the foster home, for instance when any of these notifications are received:
- a. a change of address,
 - b. a change in the make up of the household, or
 - c. a conviction, or
 - d. to check if any other changes have occurred, in case the foster carer has overlooked the requirement to notify the Department.

Supervisory visits

69. The purpose of visits is to safeguard and promote the welfare of the child.
70. The matters to be considered in supervisory visits are:
- a. the purpose and intended duration of the fostering arrangement,
 - b. the child's physical, intellectual, emotional, social and behavioural development,
 - c. whether the child's needs arising from his religious persuasion, racial origin and cultural and linguistic background are being met,
 - d. the financial arrangements for the care and maintenance of the child,
 - e. the suitability of the accommodation,
 - f. the arrangements for the child's medical and dental care and treatment and, in particular, that the child is included on the list of a general medical practitioner who provides general medical services,
 - g. the arrangements for the child's education and, in particular, that the Department of Education has been informed of the fostering arrangement,
 - h. the standard of care which the child is being given,
 - i. the suitability of the foster carer to look after the child and the suitability of the foster carer's household,
 - j. whether the foster carer is being given any necessary advice,
 - k. whether the contact between the child and his parents, or any other person with whom contact has been arranged, is satisfactory,
 - l. whether the child's parents, or any other person, are exercising

parental responsibility for the child, and

- m. ascertaining the wishes and feelings of the child about the fostering arrangements.

- 71. The child should usually be seen alone during part of the time.
- 72. The quality of the relationship between the child and his foster family is a useful guide as to the continuing suitability of the placement.
Written reports should always be made of visits and enquiries.

Contact with the child's family

- 73. Where the private foster placement is not within easy reach of the child's family, the Department should explore what firm arrangements can be made to facilitate contact. Contacts with members of the child's extended family who live in other parts of the UK should also be encouraged.
- 74. The need for contact with significant people in the child's earlier life should be thoroughly explored at the initial enquiry stage. Natural and foster carers may need advice on the importance to the child's emotional welfare of maintaining such links.
- 75. Arrangements for contact with the natural parent need to be clear and fulfilled so that the child knows where he or she stands and is reassured that his or her family care.
- 76. Arrangements for the child to have contact with brothers and sisters, other relatives, and people who may have parental responsibility, should be organised and the arrangements written down.
- 77. Arrangements for the foster carer to contact the natural parent should also be recorded. If the child can see that his or her adult carers are working together he or she is more likely to feel secure.
- 78. Where the foster carer is from a different ethnic or cultural group to that of the child, the Department should make the foster carers aware of the need to facilitate ways of maintaining close links with the child's cultural heritage.
- 79. At every visit the social worker will ask about the current arrangements for contact and, if appropriate, offer advice and help in resolving any difficulty, even, if necessary, providing a venue for families to meet. Normally the financial costs are a matter between the natural and foster carers.

Needs of siblings

- 80. The social worker should try to ensure that arrangements are made to enable the relationships between siblings to develop.

Ethnicity, culture, religion and linguistic needs

- 81. It should not be assumed that the parent of the child and the private

	<p>foster carer will have the same religion or share the same cultural background.</p> <p>82. Where a family from an ethnic minority community chooses to place their child in a private foster home of a different ethnic origin and culture to themselves, the Department will aim to establish the prospective foster carer's understanding of the child's culture, and the extent of his or her willingness to do so.</p> <p>83. The fact that the foster placement is a private arrangement means that the Department cannot seek to prevent it unless other considerations justify the imposition of requirements or a prohibition, e.g. the premises are unsuitable.</p> <p>84. In seeking to satisfy themselves that a child's welfare is being satisfactorily safeguarded and promoted in a private foster home, the Department's social worker will aim to ensure that the foster carer is aware of the differences between minority ethnic groups, and the significance of religion and culture in relation to ethnic origin.</p> <p>85. Both the private foster carer and the Department will need to be aware of the practical difficulties which such placements can present and be prepared to deal with them at an early stage to avoid problems in the future. The Department will give advice on the relevant resources and facilities available.</p> <p>86. The Department should ensure that the foster carer is advised about the resources and facilities which could assist him meeting the ethnic, cultural, religious and linguistic needs of the child. This can be done, for example, by involving the voluntary sector, local religious groups and minority ethnic communities.</p> <p>87. The services of an interpreter may sometimes be needed if a foster carer cannot communicate well enough in the child's language.</p> <p>88. The Department will need to be aware of the practical difficulties which such placements can present and be prepared to deal with them at an early stage to avoid problems in the future.</p> <p>Recording the child's development</p> <p>89. The social worker will offer advice to the private foster carers about the information they should keep and the manner in which they should keep it, to be shared with the parents, and where appropriate, the social services, health and education services.</p> <p>90. Such advice should cover:</p> <ol style="list-style-type: none"> a. maintaining and updating the child's medical history, including input from health staff, and a record of visits to the GP, etc., b. keeping a file of school reports, c. noting the dates and means of contact with the parents and
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other significant people and events in the child's life (visits, letters, phone calls),

- d. maintaining a financial record of monies received on behalf of the child's upkeep,
- e. noting the dates and nature of social services contact,
- f. keeping a photograph album of significant events and people in the child's life.

DEPARTMENTAL RECORDS

Contents

91. Agreements and decisions about the placement, including its aim, will be carefully recorded. The child's progress must be monitored and kept under regular review so that the records provide the basis for a clear, shared understanding of the plan for the child, the arrangements made, agreements reached, decisions taken and the reasons for them.

Case records

92. The records should give a clear account of the process of decision-making, so that the views of the child and his or her parents can easily be found in the file and related to the sequence of decisions taken and the arrangements made.

Safekeeping

93. Records will be kept securely. Access to them will only be allowed to those people who need information to fulfil their responsibilities in relation to the case.

Access to records

94. Information about an individual should normally be shared with him or her, unless the legislation or guidance indicates special reasons for not doing so.

Retention of records

95. No time has been specified for retaining the records of private foster placements.
96. However, it would be good practice if the same timescales were applied as those specified for placements arranged by the Department and set out in the Placement of Children (General) Regulations 2002, Regulation 9.

"A case record relating to a child who is placed shall be retained by the responsible authority until the seventy-fifth anniversary of the date of birth of the child to whom it relates or, if the child dies before attaining the age of 18, for a period of 15 years beginning

	with the date of his death.”
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