

Be safe, be sure

Private Fostering in Scotland
Practice Guidance for Local Authority
Children's Services



Private Fostering Practice Guidance: Ministerial Foreword



This Guidance is in response to the recommendation made by the Care Commission in its report “Private Fostering – the unknown arrangement?” That report also recognised that local authorities were recording very few private fostering arrangements. There is on-going concern that some children living under private fostering arrangements are going unnoticed and may not be receiving the attentive care they need to achieve their full potential, or worse may be at risk of harm. Not all private foster carers and parents may be aware of their legal obligation to notify their local children’s services when entering into any private fostering arrangements. Equally, not everyone who is notified is clear about their responsibilities in response.

We also know that there has been confusion about what constitutes private fostering. That is why the Scottish Government has developed this guidance which I hope will be helpful to local authorities in their supervisory role of private fostering arrangements. The guidance and the supporting awareness raising materials have been designed to provide clarity on the definition of private fostering, provide information on the responsibilities for all those involved, and enlist the help of all services working with children and families to ensure that private fostering arrangements are appropriately identified. We need everyone to shoulder some responsibility to ensure the wellbeing and safety of every individual child we work with and provide services for.

I would like to thank the members of the short life working group on private fostering with representatives from the Care Inspectorate, Association of Directors of Social Work, The Fostering Network and the British Association of Adoption and Fostering. Their expertise was invaluable in helping to develop this guidance.

I would also like to thank the many other key stakeholders, including Child Protection Lead Officers, Police Scotland, Chief Social Work Officers, Association of Directors of Education in Scotland and the many others who responded to our consultation requests with their valuable insights.

With this new guidance, I look to all services involved with children and families to work together to ensure no child in a private fostering arrangement goes unnoticed and the best outcomes for every individual child in Scotland are secured.

A handwritten signature in black ink that reads "Shireen Campbell".

1. Introduction
2. Background
3. What is a private fostering arrangement?
4. Context
5. Who may be privately fostered?
6. Legislation
7. The role of Local Authority Children's Services
8. Other roles
9. Suggested Reading

Annex A: Flowchart

Annex B: Case Studies

1. Introduction

In all cases the first and most important factor to consider is the child's safety. Should there be any concern that the child may be at risk, it is essential that local child protection procedures are followed.

All children and young people who are privately fostered are potentially vulnerable. Children are recognised in law as a vulnerable group in our society who require additional protection from the risks posed to them by different forms of harm, therefore a child-specific response is necessary. Therefore if there is any suspicion that the child is at risk, then police and social work services should be contacted.

[Getting it Right for Every Child](#) (GIRFEC) is the national policy aimed at improving outcomes for all children and young people. It provides the overarching approach to support delivery of all other policies for children, young people and families. The wellbeing of children and young people is at the heart of GIRFEC.

The GIRFEC approach uses eight wellbeing indicators in which children and young people need to progress in order to do well now and in the future. These eight wellbeing indicators defined as – safe; healthy; achieving; nurtured; active; respected; responsible; and included. GIRFEC provides a common language for practitioners.

The GIRFEC approach includes having a [named person](#) for every child, from birth (or sometimes before), until they reach 18 years of age. A named person will normally be as follows:-

- Birth – at this early stage, the most appropriate named person for the child is the midwife who currently records personal information for use within their own agency, to be shared with other agencies when appropriate.
- Shortly after birth up to school age – The midwife would transfer any record to the public health nurse or health visitor who could then take on the role of named person. They would remain the named person until the child reaches school age (typically 5) and would be the point of contact for any person who may have a concern about the child pre-school.

- At school – once the child starts school, the role of the named person would transfer from health to education. In primary schools, this may be at Head or Depute level. In secondary school, it might be a member of the senior management team who has lead responsibility for pupil support, and then delegated to a member of staff with a pastoral remit for the child, such as a guidance/pastoral care teacher.

The Children and Young People (Scotland) Bill, was introduced to Parliament in April 2013. The Bill seeks to formally legislate for the named person role. The functions of a Named person are described as:

“Doing such of the following where the named person considers to be appropriate in order to promote, support or safeguard the wellbeing of the child or young person:

- (i) advising, informing or supporting the child or young person, or a parent of the child or young person;
- (ii) helping the child or young person, or a parent of the child or young person, to access a service or support; or
- (iii) discussing, or raising, a matter about the child or young person with a service provider or relevant authority”

[The named person](#) will be part of a network of support and will themselves be supported by the management framework and procedures in place within the health boards, local authorities and partnerships.

The named person will record and action any concern about a child’s wellbeing that has come to their attention, either through their own knowledge of the child or if a concern is raised by another service or from within their own organisation.

Once a concern has been brought to their attention, the named person – who will be the first point of contact for the child and their family – needs to take action, help or arrange for the right help in order to promote the child’s development and wellbeing. The named person will, due to their role, have an oversight of known issues in the child’s life and will be able to use that oversight, in collaboration with other services, to make a professional judgement on the most appropriate and proportionate course of action. In the case of a child subject to private fostering arrangements this will mean that the named person may be best placed to assess any risk to the child’s wellbeing.

The overarching governing principle when making decisions in relation to private fostering arrangements will be ensuring the safety and wellbeing of any children involved. The purpose of this guidance is to help provide a consistent approach to local authority Children’s Services across Scotland in carrying out their statutory responsibilities in relation to private fostering arrangements.

The guidance also highlights the responsibility of local authorities to raise awareness regularly to help identify any further private fostering arrangements within local areas and ensure private foster carers receive any support required to ensure the wellbeing needs of any child living in a private fostering arrangement are being met and that no child is overlooked.

While follow-up procedures are for local authority children's services staff, the private nature of these arrangements means that they may first come to the attention of the named person, housing or services within the wider community. These services too will need to be reminded regularly of their responsibility to ensure the wellbeing of any children under their supervision and to act appropriately.

Complementary to this guidance two leaflets have been prepared; one to be used in raising awareness and providing information for services in contact with children; the other to provide information for parents and carers on requirements related to children being privately fostered. These can be found on the Scottish Government [website](#)

The guidance also aims to address some areas of confusion reported in relation to private fostering, as well as highlight potential areas of risk where private fostering arrangements may not have been brought to the attention of local authorities purposefully, leaving some children in potentially vulnerable circumstances.

2. Background

The number of children privately fostered in Scotland remains mainly unknown and this was highlighted by the then Care Commission (now Care Inspectorate) publication [Private Fostering – the unknown arrangement?](#) (March 2010). It further highlighted confusion about the term 'private fostering' and that greater awareness raising activities were needed.

This guidance is in response to the recommendation that called for the Scottish Government to 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 children being cared for in private fostering arrangements.

The report also highlighted the need for those local authorities to be proactive, on an on-going basis, to identify privately fostered children. It recommended that all children's services plans should state how local authorities will do this and how they will regularly monitor progress.

The report further recommended that local authorities should produce an annual report on private fostering activity in their area for the Chief Social Work Officer. Local authorities should use this to decide whether public information, joint working and practice are robust enough.

This guidance urges local authorities to liaise and raise awareness regularly with education, housing departments and local partners including GPs, police and other relevant bodies to help identify and support appropriate and positive private fostering arrangements and identify any concerns over placements that could put children at risk.

3. What is a Private Fostering Arrangement?

Private fostering is where a parent is making an arrangement to have their child cared for by someone who is not an approved foster or kinship carer or guardian of the child and who is not a close relative of the child (i.e. not a grandparent, brother, sister, uncle or aunt whether by blood or by affinity (i.e. by marriage)), for more than 28 days.

(There have been a couple of instances reported of circumstances where approved foster carers have been involved in private arrangements).

[Section 1](#) of the Foster Children (Scotland) Act 1984 (“the 1984 Act”) provides that, subject to section 2 of that Act, a child is a foster child if he or she is below the upper limit of the compulsory school age and his or her care is undertaken by a person who is not a relative or guardian. [Sections 16 and 17](#) of the 1984 Act extend the application of the Act to certain other children in the circumstances described in those sections.

[Section 2](#) of the 1984 Act provides for a number of exceptions to section 1. For example, a child is not a foster child while he or she is being looked after by a local authority (section 2(1)).

[Section 21 of the Act](#) defines the term “relative”)

In a private fostering arrangement there will therefore be no statutory order in place, children’s services involvement or registered fostering agency involved in placing the child with the other person i.e. the child is not defined as a “Looked After Child”.

Some areas of confusion:

- Private Fostering is often confused with informal kinship care which is provided by close relatives of the child (through blood, marriage or civil partnership) who are not required to notify local authorities and not subject to the same checks and monitoring as private fostering.
- The [definition](#) of formal kinship care states that a person who is known to the child and with whom the child has a pre-existing relationship can be approved by a local authority as a kinship carer if the child requires being Looked After. Such formal kinship care arrangements can include carers who are **not** close relatives. This guidance therefore clarifies that only close relatives, as defined above, are exempt from private fostering legislation unless the child is a “Looked After” child and the carer has been formally approved by the local authority as a kinship carer.
- Independent fostering agencies can sometimes also be referred to as private fostering agencies however these are agencies that provide formal foster care but are run independently from local authorities.

4. Context

During the time leading up to the publication of this guidance there were only a very small number of recorded notifications of children living in private fostering arrangements in Scotland. There may be many more un-notified arrangements taking place, and private foster carers may not be aware of their legal obligations to notify the local authority. Of more concern, parents or private foster carers may be deliberately avoiding notifications to local government, perhaps leaving some children in potentially very vulnerable circumstances.

[Safeguarding Children who may have been trafficked](#) published by the Scottish Government in 2009, [The National Child Protection Guidance](#) published by the Scottish Government in 2010 and [Scotland: a safe place for child traffickers?](#) published by the Scottish Commissioner for Children and Young People in March 2011 have all made reference to private fostering arrangements as possible situations where children might be more vulnerable to exploitation or child trafficking.

5. Who may be privately fostered?

Parents will have legitimate reasons for involving someone else in caring for their child over an extended period of time. Here are some examples of circumstances where children may be in private foster care arrangements.

- children from overseas where parents are/are not resident in this country
- children from abroad who attend language schools or mainstream school in this country and are staying with host families
- adolescents estranged from their parents
- children at boarding schools who do not return to their parents in the holidays but stay with education guardians.
- children on holiday exchanges
- children (sometimes very young) where a parent is in prison or where a parent is unable to care for them because of chronic ill health or where there are alcohol or drug issues
- children whose parents are undertaking a course of study and are unable to care for the child while they progress their course
- children in services families where parents are posted overseas [The Soldiers, Sailors and Airmen Families Association](#) (SSAFA) is well aware of this situation and acknowledges that there are many more situations than it will formally be aware of)
- Children who are left residing with partners of their birth parents following a death or separation (individual circumstances would need to be taken into consideration and proportionate responses considered)

This list is by no means exhaustive, and while many of these arrangements will be positive for children, it gives an indication of the scale and variety of agencies who will be involved with children. These agencies need to be aware that private fostering arrangements can be detrimental to a child's welfare and they need to be reported.

The wide range of situations which constitute private fostering means that local authority children's services need to regularly raise awareness with a wide range of organisations and professionals in their local areas about private fostering and to work effectively with those agencies so that private fostering arrangements which have not yet been brought to the attention of local authorities can be identified. These should include education, health, housing, childcare, social care, and immigration services and there will be other local community and third sector family support services which will need to be kept well informed.

Some children could effectively have no one concerned for their safety or welfare. Below are some risk factors which may indicate that a child is left vulnerable with no oversight from local authorities.

Risk Indicators

- Children not registered with a school or not attending school
- Children not registered with a general practitioner or dentist
- An adult turns up with a child who is now staying with them
- A child mentions that they are staying with someone who is not their parent
- A patient attends a GP Practice or clinic with a child you haven't seen before
- A patient attends with a different child(ren) from prior visits
- A child may mention that the person they are accompanying is not their parent
- A child comes from overseas for the purpose of education without a parent coming with them
- A home you visit includes children who you have not previously been aware of
- A carer is vague about a child's routines or needs

Note: It is important not to regard all arrangements as suspicious but to have an awareness of areas where children could be at risk and keep alert to child trafficking risk indicators while establishing whether any living arrangements should be treated as private fostering. Children trafficked into the UK are especially vulnerable and may not come to light until health or welfare concerns are raised.

Child trafficking is the recruitment, transportation, transfer, harbouring and/or receipt of children for exploitation, including domestic servitude, commercial sexual exploitation and to support benefit claims (see www.ecpat.org.uk for further information)

6. Legislation - Overview

The legislation governing the roles and responsibilities of those involved in the provision of the care for children in private fostering arrangements in Scotland is covered by the [Foster Children \(Scotland\) Act 1984](#) ("the 1984 Act") (as amended) and The [Foster Children \(Private Fostering\) \(Scotland\) Regulations 1985](#) ("Regs").

The statutory responsibility for securing and monitoring the welfare of any child in a private fostering arrangement lies with the local authority. It is the duty of every local authority to secure the welfare of children within their area who are foster children ([section 3](#) the 1984 Act).

There is a legal obligation on any parent to inform the relevant local authority if a child is to be cared for in a private fostering arrangement at least two weeks prior to the start of the arrangement ([Reg 3 \(1\)](#)).

There is also a duty on the private foster carers to advise the local authority about any private fostering arrangement within the same timescale except in an emergency ([section 5](#) of the 1984 Act). If the child is received in an emergency the private foster carer must notify the authority at the earliest opportunity and no later than 1 week after receiving the child ([section 5\(2\)](#) of the 1984 Act). The local authority will then be able to carry out its responsibilities to supervise the care and make the necessary checks to ensure the safety of the child (ren).

The relevant local authority is the authority for the area where the child is to reside.

Where a private fostering arrangement is already **in existence but no previous notifications made, or an emergency arrangement is made**, legislation requires the carer and parent to notify the local authority Children's Services within 1 week of receiving the child (Reg 3(2)). A children's services worker should discuss the matter with the child's [Named Person](#), who will be in a position to provide an overview of the child's circumstances and wellbeing, visit at the earliest opportunity and within 2 weeks of the notification being received to see the child, the child's parents (if possible), the carers and other members of the carer's household. An assessment should be carried out and written records kept about the suitability of the arrangements, including the appropriate level of Disclosure checks on all adult residents within the household at the earliest opportunity. If safety or welfare concerns are identified these should be addressed immediately through appropriate child protection procedures. (The local police should be informed immediately if any risk of significant harm to a child is suspected).

7. The Role of Local Authority Children's Services (See also flowchart at Annex A)

- Upon receipt of a notification of plans for a private fostering arrangement, a children's services worker will be allocated the case and have a role in offering **advice and support** to the carers and the parents throughout the period of the arrangement being in place.
- They will open and **maintain a case record and a Child's Plan**. These will be updated following assessments and reviews of the arrangements.
- An initial **assessment** will be carried out preferably prior to the start of any arrangement, but where a placement is already in place, as soon as possible (and at the latest 2 weeks after notification), to establish the reason behind the need for a private fostering placement and ascertain the suitability of the proposed arrangements ([Reg 4 \(3\)](#)). Included in the initial assessment:
 1. Arrangements will be made to meet and interview the child (depending on the age or developmental status of the child), the child's parents (where possible), the proposed private foster carer(s) and any other members of

the carer's household within the initial 2 week period following notification. ([Reg 4 \(2\) \(a\) and 5 \(b\)](#)).

2. Disclosure checks will be carried out on all adult members of the carer's household and where there are any concerns about immigration status checks with the [UK Borders Agency](#) (UKBA - which is now part of the Home Office) should become part of routine checks.

Note: A person who acts as a foster carer including privately is doing regulated work with children under the Protection of Vulnerable Groups (PVG) Act and as such is eligible to join the PVG Scheme and request a PVG Scheme Record. Checks carried out as part of the Scheme will highlight anyone barred from regulated work with children and therefore unsuitable to provide private foster care. Other adults resident in the household can have an enhanced disclosure with a children's suitability check carried out. Disclosure Scotland can only carry out these checks if the child is being privately fostered in Scotland. See [Disclosure Scotland Guidance](#).

3. Checks on the health of both child (ren) and carer(s) will be arranged and statements obtained from registered GPs. ([Reg 4 \(2\) \(b\) and 5 \(a\)](#)) UKBA (now part of the Home Office) should be consulted where foreign nationals are involved and asked to confirm immigration status.
 4. The children's services worker should meet with the child alone, if appropriate to the age of the child, during the assessment as well as all future visits and be satisfied that their needs are being met and they are happy with the arrangements. ([Reg 4 \(1\) and 2 \(c\)](#)) Their views and concerns should be taken into consideration prior to any decision to continue with the arrangements.
 5. Checks will be made to ensure the child's racial, cultural, linguistic, religious, sexual orientation, disability or other identified needs will be met.
 6. If the arrangement is taking place out-with the child's original home area, enquiries should be made with their home local authority to ascertain whether they know of any reasons why the arrangements should not go ahead. ([Reg 4 \(2\) \(d\)](#))
 7. The local authority should satisfy themselves by a visit on their behalf whether any premises in which the child is to be placed are adequate for the needs of the child and whether it would be detrimental to the welfare of the child to be placed with the foster parent in those premises ([Reg 5\(c\) and \(d\)](#)).
- A written report of initial ([Reg 5 \(e\)](#)) and subsequent visits ([Reg 7 \(1\) \(b\)](#)), with findings and actions should be added to the case record including any changes in circumstances reported to them by the parent, carer or child.

- The children's services worker should ensure that the child's needs continue to be met, that their accommodation arrangements are suitable and their health (as well as dietary), social and education needs are being met and should obtain supporting references from the child's school, General Practitioner, UKBA (where there are any concerns about immigration background or status) and anyone else making a significant contribution to the needs of the child.
- A children's services worker should **visit** the child within one week of their placement and at least every 3 months during the first year of placement and then every 6 months thereafter ([Reg 7 \(1\) \(a\) and \(b\)](#)). It is the duty of the local authority to assess and promote the wellbeing of the child and to check that the arrangements continue to be suitable and that the child has no concerns and wishes to remain with the carer(s) and maintain records accordingly.
- If there are concerns raised at any point in proceedings, these should be addressed in proportion to the nature of the concerns, as quickly as possible, using appropriate child protection measures where necessary and in accordance with the agreement contained in the Child's Plan.
- Should the initial assessment or follow up visits show that arrangements will not be, or are no longer suitable; the local authority is obliged to notify the parent, guardian or relative and the foster parent. A children's services worker should take appropriate action to safeguard and promote the child's wellbeing. ([Reg 6 \(1\) and \(2\)](#))
- Actions will range from removing a child to a place of safety if the child is at immediate risk or preventing or stopping private fostering arrangements taking place to setting some limitations on how the specific care needs of children are met.
- Carers can be **disqualified from privately fostering** a child if they have been convicted of any offence involving a child, have had a child removed from their care by a court or local authority, have been prohibited from privately fostering a child or been disqualified from acting as a foster carer ([Section 7](#) of the 1984 Act). As fostering is regulated work within the PVG Scheme, a referral must be made to Disclosure Scotland if the relevant criteria are met. The grounds for a referral are explained in Chapters 6 and 7 of the PVG Scheme Guidance mentioned in section 10 below.
- Local authorities can **impose requirements** on private foster carers including limiting the number of children who can be privately fostered based on the adequacy of their accommodation and also to ensure the wellbeing and needs of the child are being met. ([Section 9](#) of the 1984 Act)
- Local authorities have the power to prohibit a person from privately fostering where that person is not suitable, where the accommodation is not suitable, where the child's wellbeing would be harmed, where someone has been convicted for offences against children or where the care of the child is or

would be unsatisfactory. Notice of any prohibition to be imposed should be made in writing to the proposed private foster carer specifying the reasons and informing them of their right of appeal to the Sheriff within 14 days of receiving the notice. ([Section 10-13](#) of the 1984 Act)

- Should there be any immediate concerns or risks to the child at any point whilst carrying out checks an Initial Referral or Tri Partite Discussion along with submission of a referral to the children's reporter must be undertaken in line with National Child Protection Guidance.
- The carer and parent (or person with parental responsibility) should be made aware that they need to notify the local authority immediately about any change in circumstances, including if the child changes address, someone living in the household is convicted of an offence, or someone joins or leaves the household.
- Each local children's service plan should refer to activity that has taken place in relation to identifying those who have not notified them and raising awareness of private fostering locally among families, children, local services including schools, police and health care professionals as well as what information is being provided to the public and local services through campaigning and websites. Attention should be given to communication with local ethnic minority and faith groups.
- An annual report on activity undertaken should be prepared for the Chief Social Work Officer and submitted to the local authority Children's services Planning Groups who should use it to ensure public information; joint working and practice are robust enough.
- Information on websites, notification forms and contact information should be kept up to date.
- Should circumstances arise where the responsibility for a private fostering arrangement needs to be transferred to another local authority, the transferring local authority should be responsible for ensuring the new authority has the necessary information to ensure the continued wellbeing of the child and support for the carer.

8. Other Roles

Services in Contact with Children

The wellbeing of children who are privately fostered is broader than a social care function. Since all children should have access to what are sometimes described as universal services, it's important that General Practitioners, public health nurses, nurseries, schools, housing authorities, police, faith groups and those working with ethnic minority groups and others who may have a role in the lives of children also keep alert about private fostering arrangements. The [Getting it right for every child](#) (GIRFEC) approach and the [UN Convention on the Rights of the Child](#) (UNCRC) both highlight the need to be alert to ensure the wellbeing of any children who come to the attention of any service providers or are under their regular supervision.

An information leaflet has been produced on private fostering for wider services in contact which provides some information on the requirements of the law in relation to private fostering along with the risk indicators to look out for and some instruction on what action to take when they do suspect a private fostering arrangement taking place. These will be found on the Scottish Government [website](#).

Families and carers often do not tell professionals or agencies about private fostering arrangements as they are simply not aware that they need to (this may apply particularly to new communities in the UK such as migrant families from new-EU states), or of more concern, they may choose not to tell agencies about these arrangements. It is the responsibility of professionals and service providers who may come into contact with these families to bring it to their attention and the attention of the local children's services departments. A leaflet which provides information for parents or carers on private fostering has been prepared to assist with this.

Linking in with some national campaigns such as those run by organisations like the [British Association for Adoption and Fostering](#) (BAAF) and [The Fostering Network](#) (TFN) and consulting with organisations such as [Africans United Against Child Abuse](#) (AFRUCA) or [End Child Prostitution in Asian Tourism](#) (ECPAT) may be helpful when designing local campaigns.

The child's [Named Person](#) will be responsible for safeguarding, supporting and promoting the child's wellbeing. For those children who have a multi-agency child's plan, a Lead Professional will be responsible for overseeing the plan and will play an important role in ensuring the needs of the child are being adequately met. They will need to be alerted about any new information or discrepancies when collecting information relating to the child and will ensure that adequate checks have been carried out. Changes to the living arrangements, child's circumstances and any other new information about the child should be properly recorded and taken into account at future reviews of the child's plan.

See link to [A Guide to Getting it Right for Every Child](#)

The Care Commission (now the Care Inspectorate) report referred to earlier highlighted the need for local authority websites to have clear information on what private fostering is and clear contact details for anyone requiring to make a notification, or report a suspected arrangement that might need investigating. Correspondence from the Scottish Government following publication of the Care Commission report identified good practice concerning web information to assist local authorities in this area.

The Care Inspectorate has a role in inspecting how local authorities meet their obligations and responsibilities with regard to private fostering, including what local authorities are doing to encourage people to notify them. It will continue to monitor the performance of each local authority regarding private fostering, numbers of notifications and the quality of website information and report annually to the Scottish Government.

Child Protection Committees will have a leadership role in ensuring that improvements to local Child protection policy and practice take account of private fostering.

9. Suggested reading:

www.scotland.gov.uk/privatefostering

[A Guide to Getting it Right for Every Child](#)

[National Guidance on Child Protection](#)

[Children on the Edge of Care](#) (Pages 17-221)

[Information on child trafficking in a Scottish context](#) (including a list of risk indicators page 28-31)

[Understanding Child Trafficking and Private Fostering](#)

[BAAF Campaign on private fostering](#)

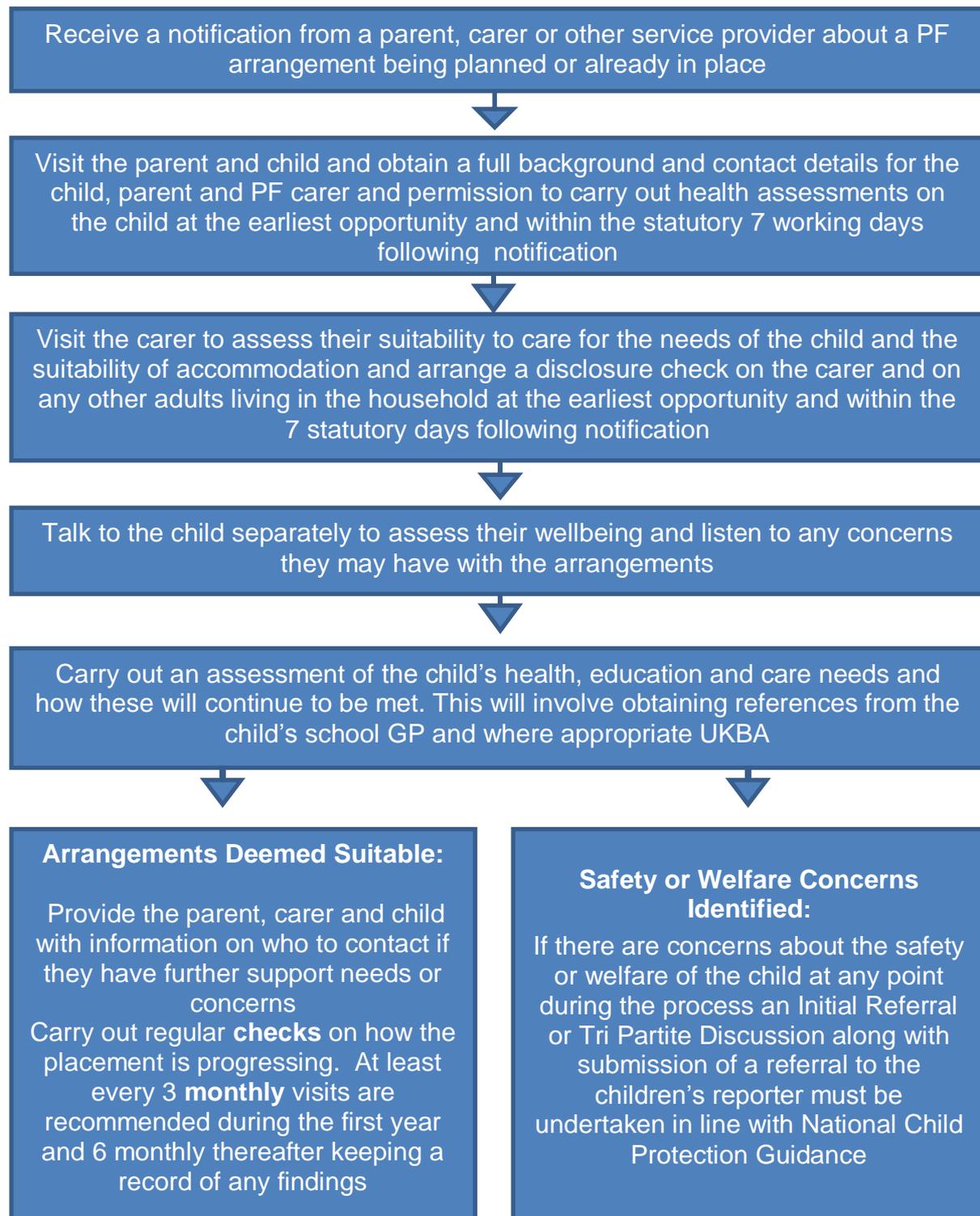
[Scotland: a safe place for child traffickers?](#) (SCCYP Report)

[Disclosure Scotland: PVG Scheme Guidance](#)

[Children and Young People Bill](#)

ANNEX A

HANDLING OF PRIVATE FOSTERING ARRANGEMENTS BY CHILDREN'S SERVICES - FLOWCHART



ANNEX B

Case Studies

When private fostering arrangements go wrong.

Child A was brought to the UK by his father and left with his father's friends in the Central belt of Scotland. He has lived in Scotland for five years before coming to the attention of a child care agency after being brought to a legal advice appointment. He has never attended school but has been registered with a doctor who has never questioned him living with the family, despite knowing the family composition well. No one questioned his status or the level of care afforded to him.

He states he has never been happy with the family; he had wanted to go to school but was left in the house to play computer games. He is given adequate food and accommodation but there is clearly no affection given to him and he is treated very differently to the other children in the household.

There are no known trafficking indicators and he is clearly physically well cared for. However his mental health is poor and he has no obvious attachment with anyone he has been living with, despite spending his formative years in Scotland. His father is no longer able to send money for him and consequently the foster family has made attempts to secure status for him with little understanding that his developmental needs have not been met, and he presents as very troubled unhappy young man.

Child B is Chinese and placed at 6 weeks with a white couple, his parents lived about 40 miles away and no formal visiting arrangements were made. Consequently he had very little contact with his parents as he was growing up. Unfortunately, as he reached his teenage years he had no attachment to or affection for his parents. He did not even feel Chinese, couldn't speak Cantonese and he had little understanding of the culture - in fact he felt white Scottish. He would go there or they would visit every 6 months.

When he reached the age of 13 years his parents decided he should go home but he resisted for some time postponing the inevitable, His foster carers referred him to the Children's Reporter who decided to refer him to a Children's Hearing. Children's Services worked with the parents to get them to understand his viewpoint and with the child to help understand his Chinese heritage. Finally his parents conceded and he stayed with his foster family.

Child C entered the UK with another child who may be his sister, several years ago. He himself is unsure of how and when he arrived. The children were separated and each left with an "aunt", though these arrangements were at no stage formally registered. At no time was either child enrolled in school by the aunts and they were left to look after the houses and care for the aunts' children over-night while the women presumably went to work.

The aunts, who were subject to immigration control themselves, fled leaving the young people to fend for themselves. One of the young people, having found the

other, contacted the police for help when the little amount of money they were left with ran out.

The fact that a variety of professionals had been involved with both households but had never queried the children's presence is of grave concern. A paediatrician at one point raised the alarm but no further action was taken by children's services. The children were in and around the community but at no stage were referrals made to the children's panel. Only when the police became involved were they able to access services, including specialist legal representation which has been crucial in their cases in order to look at their statuses and the fact that they may well be the victims of trafficking.

When private fostering arrangements go well.

Child D had children's services involvement on and off from the time he was 12 years old. Initial involvement surrounded the fact that his mother had a stroke and struggled to deal with his basic needs and behaviour. The mother's friend offered to look after him on an informal basis and despite some issues this arrangement worked well over the years.

The mother's friend and his partner duly applied to the local authority to be assessed as private foster carers. The assessment was undertaken and the couple were approved as private foster carers for the child. The arrangement continued until the child turned 16 and left school, when the case was closed.

Child(ren) E A charity called Chernobyl Children Lifeline places children from Belarus and Chernobyl with families in Scotland over summer and Christmas periods and these arrangements can come under private fostering as they stay for a period of more than 28 days. The charity wrote to the relevant local authority of its intention to place 4 children during the summer months following a letter from the then Care Commission alerting them of their responsibility to do so. The local authority was able to monitor the arrangements for the time of the placements in Scotland.



© Crown copyright 2013

You may re-use this information (excluding logos and images) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or e-mail: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

ISBN: 978-1-78412-091-7 (web only)

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

Produced for the Scottish Government by APS Group Scotland
DPPAS20095 (12/13)

Published by the Scottish Government, December 2013

w w w . s c o t l a n d . g o v . u k