

Effectiveness of childminding registration and its implications for private fostering



Social Care Institute for Excellence

Better knowledge for better practice

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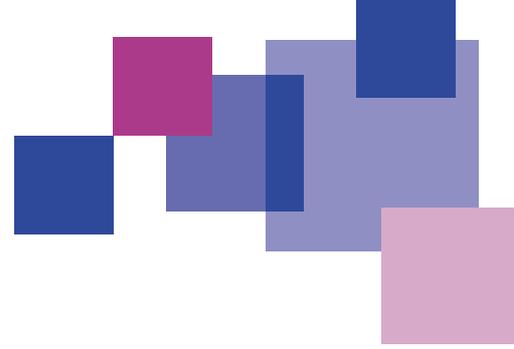
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Executive summary



THE SCIE POSITION PAPER: SCOPE AND PURPOSE

This paper sets out SCIE's position on the relevance of childminding registration to private fostering and on whether the registration of private fostering would help to safeguard children. It is based on an expert review of the field, informed by consultation with major stakeholders.

THE PARALLEL WITH CHILDMINDING

Both childminding and private fostering arrangements are based on parental choice. Both types of childcare are essentially private arrangements (for reward) between parent and provider.

However, whereas childminding involves primary carers placing their children in the temporary care of someone else, private foster children remain in the continuous care of their foster care provider. Private fostering therefore refers to children who live with someone other than their parents, guardians or other close relatives for 28 days or more.

IMPLICATIONS FOR REGISTRATION

The complexity of arrangements covered by private foster care means that registration is likely to be better supported by and more relevant to some groups than others.

Private foster care arrangements cover two groups of children. First, there are children whose parents and private foster carers are more likely to define themselves as entering into or providing private foster care arrangements. Knowledge of this group is limited to the arrangements made by West African parents who primarily place their children in the care of white, private fosterers. Like childminders, this group may be more responsive to participation in a registration system based on supervision and support.

The current legal definition also captures a second group of children living in situations that are not necessarily socially understood as private foster care. These situations include informal arrangements made by teenagers following breakdown of family relations; illegal arrangements made by individuals or syndicates to traffic children into Britain as domestic servants; and formal agreements made between language schools and host families that look after overseas students. Registration may not offer the most appropriate or effective safeguard to children in these categories.

SAFEGUARDING CHILDREN

Childminding registration offers a baseline safeguard to parents wishing to choose this type of substitute care for their children. Registration of private foster carers would provide a pool of approved providers from whom parents could select a suitable person to look after their child(ren)'s welfare.

INCENTIVES FOR REGISTRATION

A legal requirement to register is likely to act as a significant incentive to registration, particularly if combined with support. The large-scale registration of childminders was achieved through local authority campaigns to promote the new legal requirement to register.

This suggests that a proactive approach that promotes a legal requirement to register via direct contact with private foster carers is likely to act as a powerful incentive for registration. Health visitors, teachers and other frontline staff working with children are well placed to promote the new requirement.

Registration of childminders has proved a prerequisite for professionalisation, leading to self-regulation in terms of both standards of care and notification of unregistered childminders. Further work needs to be undertaken, however, to assess the extent to which regulation of private foster carers is likely to lead to a sense of professionalisation and subsequent potential for self-regulation.

SUPPORTING STANDARDS

Like childminders, private foster carers should be assessed against a minimum set of standards that act as a baseline safeguard.

In contrast to childminding, however, a large proportion of private foster care arrangements cross ethnic divisions. This means that support should be offered to private foster carers to meet an aspirational standard that focuses specifically on awareness of the religion, race and culture of children placed in their care. This should guard against the risk of

black and minority ethnic children losing connection with their cultural, social and ethnic identities through placement with unsupported, white, private foster carers.

Local authorities' experience of fostering and the similarity with private fostering, in terms of continuity and duration, suggest that councils with social services responsibility (CSSRs) have the expertise to administer a registration system based on supervision, support and safeguarding the welfare of private foster children.

Registration should allow for a private foster carer to be registered as generally available or alternatively to be approved for a specific child already known to them. This would reflect the way that local authorities currently approve family and friends as foster carers to look after a particular child.

RECOGNISING PROPORTIONALITY

The wide range of situations that fall within private fostering suggests that a tighter definition of private foster care and/or guidance, which differentiates between the private fostering arrangements for which registration might be most appropriate, should provide the foundation for a registration system based on balance and proportionality.

AWARENESS CAMPAIGN

An awareness campaign that targets the public as well as social care professionals must accompany any move toward registration. This will also provide an important means of publicising government action to protect this hitherto largely forgotten group of children.

EFFECTIVENESS OF CHILDMINDING REGISTRATION AND ITS IMPLICATIONS FOR PRIVATE FOSTERING

1. Introduction

The following recommendations are based on the knowledge review conducted by SCIE on the effectiveness of childminding registration and its implications for private fostering. The review is part of a wider SCIE work programme that has been commissioned by the Department of Health (DH), England and National Assembly for Wales (NAW) to examine effective services for children and families. The knowledge review includes:

- literature review of registration of childminding and its impact on quality of childcare, drawing on UK and overseas research;
- literature review of private fostering, including current legislation, DH/NAW awareness campaign, experiences of private foster carers, professionals and former foster children;
- SCIE consultations with stakeholders who have direct contact with private foster children, their families and private foster carers, including former private foster children, community workers, social workers, health visitors and researchers;
- review of recommendations by SCIE board members, including Terry Philpot, one of the UK's leading experts on private fostering.

2. Recommendations

Registration as baseline safeguard

- It is effective to draw the parallel between parents' use of childminding services and private fostering because both arrangements are based on parental choice. This means that both types of childcare are essentially private arrangements between parents and providers, who usually require payment in exchange for their services.
- Childminding registration offers a baseline safeguard to parents wishing to choose this type of substitute care for their children. Registering private foster carers would provide a pool of approved providers from whom parents could select a suitable person to look after their child(ren)'s needs. Given the continuous nature of care provided by private foster carers, it is important that private foster children and their parents are afforded these basic safeguards.
- A large proportion of private fostering arrangements cross divisions of religion, race and culture. A register of private foster carers represents a proactive approach to the protection of potentially vulnerable children, many of whom are black and minority ethnic children placed with white, private foster carers and who may be at risk of losing touch with their ethnic, cultural and geographical identities.

Registration, professionalisation and support

- Childminders have welcomed the professionalisation, higher status, training and support that have accompanied registration. There is evidence to suggest that those who regard themselves as private foster

- carers value the support and advice offered by local authority workers.
- The National Childminding Association of England and Wales (NCMA) promotes the professional interests of registered childminders. The NCMA endorses registration in order that children, families and communities can benefit from the best in childcare and education.
 - Registration as a childminder provides an official stamp of approval. Registered childminders distinguish their care from that offered by unregistered childminders, whom they consider providing poor quality of care. Professionalisation may attract private foster carers and offer them an improved status and sense that they are quality care providers.
 - Registered childminders are more likely to report unregistered childminders, who are viewed as potentially bringing the profession into disrepute. Further work needs to be undertaken to assess whether registered private foster carers will be more inclined to uncover 'hidden' private fostering in order to protect their own professional status.
 - However, lack of support at local authority level has contributed to a decline in registered childminders. In order to attract and retain good quality private foster carers, it will be important to promote a supportive and efficient system of registration for private fostering.
 - The responsibility for registration and inspection of childminders now rests with the Office for Standards in Education (OFSTED). The impact on childminding registration of the decision to separate support from the inspection role of OFSTED regulatory officers is not yet known.
 - A local authority rather than national system of registration for private fostering should be considered. Local authorities' experience of fostering means that they are well placed to provide a registration system that is based on supervision, support and safeguarding the welfare of children living away from home. Registration systems would be subject to inspection by the National Care Standards Commission (NCSC).
 - A duty should be placed on local authority workers, including teachers, and on GPs and health visitors to notify social services or other registration body when they suspect a child is being privately fostered.
 - This duty could be supported through the development of specialist teams drawn from different agencies that have contact with private foster children.

Assessments and standards

- Registration of private fosterers should allow for a private foster carer to be registered as generally available or alternatively to be approved for a specific child already known to them, in the same way that family and friends foster carers can be approved to foster a specific child. This system reflects frameworks in place for the assessment of local authority foster carers. Childminders, on the other hand, are assessed for their general ability to care for children.
- Assessment of private foster carers should be measured against a set of standards. In order to reach a clear decision on what constitute the national standards for private foster care, a combination of the national standards for childminders and for foster care should be considered.

- There is a suggestion that private foster carers must meet a minimum standard that acts as a baseline safeguard. The minimum standard could be combined with an aspirational standard that focuses specifically on awareness of religion, race and culture.

Legal definition and caveats for registration

- Unlike childminding, private foster children remain in the continuous care of their foster care provider. The current legal definition of private foster care – continuous care by a non-relative lasting longer than 28 days – covers a complex range of private fostering arrangements.
- There is a lack of reliable data on the numbers of private foster care arrangements. Lack of data undermines planning mechanisms within children’s services to safeguard privately fostered children. Childminding registration, on the other hand, has afforded the opportunity to collect detailed information on both numbers of registered childminders and how many children are placed in their care.
- There is, however, information on the different categories of children covered under current legal definitions of private fostering. Unlike childminding, the variety of social situations covered by official definitions of private foster care means that registration may not offer the most effective safeguard for children in all or some of the categories identified below.
- Private fostering arrangements can be divided into two groups of children. First, there are children whose parents and private foster carers are more likely to identify themselves as

entering into or providing private fostering arrangements. Current research evidence limits understanding of this group to West African birth-parents who primarily place their children in the care of white, private foster carers.

- The current legal definition of private fostering captures a second group of children who are living in a range of situations that are not necessarily socially understood as private fostering. There is almost no research evidence on the experiences of this second group of children, who include:
 - children attending language schools;
 - children who are brought into the country as domestic workers;
 - children arriving as cultural exchange students;
 - children of Chinese parents who work long hours;
 - unaccompanied asylum-seeking children;
 - children whose parents are deported;
 - children whose parents are in hospital, drugs rehabilitation or prison;
 - teenagers who board out due to breakdowns in family relations.

Further work should be carried out to establish whether registration or other safeguards would offer the most appropriate protection for the children living long-term away from home in the above categories.

- A registration system based on proportionality should consider tightening the definition of private foster care and/or identifying which private fostering arrangements would benefit most effectively from registration.

Awareness campaign

- The wide variety of arrangements that are covered under the current legal definition of private foster care means that many birth-parents and private foster carers remain ignorant of their duty to notify their local authority of their arrangement.
- Promoting the need to register through direct contact with private foster carers is likely to prove an effective means of encouraging registration. Health visitors, teachers, GPs and other frontline staff working with children are well placed to promote the requirement to register.
- A public awareness campaign must accompany any move towards registration. A national campaign could include, for example, private fostering regulations being printed on the back of child benefit books and posters in GP surgeries.

3. Basis for the recommendations

Parallels

- 3.1. Parallels have been drawn between private fostering and parents' use of childminding services because both arrangements are made privately between parents and the care providers, who usually require payment for their services.
- 3.2. Childminders have been subject to regulation since the Nurseries and Childminding Regulation Act 1948. Effective registration did not, however, occur until the Health Services and Public Health Act 1968 [1]. Since the early 1970s, there have been calls for the registration of private foster carers [2].
- 3.3. Registration offers a baseline safeguard to parents choosing this type of substitute care for their children.
- 3.4. Regulation of childminders has promoted a strong professional culture. The NCMA endorses registration as a marker of quality childcare [3]. Private foster carers are likely to welcome registration as the recognition of their caring abilities.

Differences

- 3.5. The major difference between childminding and private fostering is the nature and the timescale of care. Private fostering occurs when a child under the age of 16 (18 if disabled) lives with someone other than their parents or close relative for 28 days or more. A relative, under the Children Act 1989, is defined as grandparents, siblings, step-parents, aunts or uncles or other persons with parental responsibility [2].
- 3.6. Children at childminders, on the other hand, return home to their birth-parents or other primary carers at the end of their session. A childminder is a person who looks after one or more children under the age of eight for more than a total of two hours a day on domestic premises for reward. "Reward" can be money or payment in kind [4].
- 3.7. The continuous nature of private foster care means that private fostering arrangements are more similar to local authority fostering.
- 3.8. Unregistered childminders are aware that they are operating illegally. On

the other hand, many birth families and private foster carers remain ignorant of their duty to notify their local authority of their arrangement [5; 6; 7]. This is complicated by the variety of arrangements that count as private foster care, including those involving language school students, teenagers living with friends and children trafficked as domestic workers.

Changing nature of childminders', registration and inspection

3.9. The responsibility for the regulation of childminders now rests with the early years directorate of OFSTED. Before OFSTED took over, the registration and inspection of childminders in England was the responsibility of local authorities; each local authority had its own registration requirements. Childminding is now within a national regulation framework and is part of the education system [4; 8; 9].

3.10. The registration of childminders through OFSTED aims to:

- protect children;
- ensure that childminders meet national standards;
- ensure that children are safe, well cared for and take part in activities that contribute to their development and learning;
- promote high quality in the provision of care and learning;
- provide reassurance for parents using the independent services of someone who is not a relation and may be a stranger.

A Guide to Registration for Childminders [4]

3.11. In England, the Care Standards Act 2000 introduced new national standards for childminding, which childminders must meet before they can be registered and against which OFSTED inspects them. There are 14 national standards covering the environmental, social and organisational aspects of childminding:

1. suitable person
2. organisation
3. care, learning and play
4. physical environment
5. equipment
6. safety
7. health
8. food and drink
9. equal opportunities
10. special needs (including special educational needs and disabilities)
11. behaviour
12. working in partnership with parents and carers
13. child protection
14. documentation.

A Guide to Registration for Childminders [4]

3.12. Since September 2001, all new childminders in England have been required to take a childminding training course, ideally before completing their registration but certainly within six months of gaining their registration certificate, in order to meet one of the 14 national standards for childminding [4].

3.13. The new Criminal Records Bureau has been overwhelmed by applications for police checks for childcare workers, which has resulted in serious delays [11, p3]. This may affect (in the short term)

recruitment of childminders and other groups working with children.

Registration of childminders and quality of childcare

- 3.14. Surprisingly, there is little research evidence to suggest that the registration of childminders has improved the quality of childcare. UK research conducted during the 1970s and early 1980s was highly critical of the service provided by registered childminders [12; 13; 14; 15; 16].
- 3.15. More recent UK-based research and the views of experts suggest, however, that on balance registration has led to improved standards [17; appendix I].
- 3.16. Evidence from overseas suggests that enforcing regulations is the key factor in improving standards. During the 1980s, the US shifted responsibility for its system of day care (childminding) registration from federal to state government. Day care centres in those states with the most demanding licensing standards provided a higher quality service [18; 19].

Enforcing standards

- 3.17. Decisions made in the UK Family Court of Proceedings, however, have undermined attempts by local authorities to enforce the standards of day care, specifically nurseries.
- 3.18. A survey of the outcomes of appeals under part X of the Children Act 1989 concerning childminding and day care provision found that, in three-fifths of the cases they reviewed, the

courts gave “enormous latitude to providers to continue to offer a service that has been shown to be seriously inadequate” [20, p32].

- 3.19. The study concludes that regulation is working to the extent that most children are protected from dangers arising from lack of physical safety or from people who would abuse or injure them but it fails to protect children from “providers who persistently seek to evade or dilute standards” [20, p32].

Compliance with regulatory systems

- 3.20. The Nurseries and Childminders Regulation Act 1948 required local health authorities to keep registers of nurseries and childminders, made it an offence to operate such services without registration and gave authorities the power to refuse or cancel registration [1].
- 3.21. The Health Services and Public Health Act 1968 extended the criteria for registration and contributed to a major leap in numbers of registered childminders from 5,800 in 1968 to 25,600 in 1970 [16, p6].
- 3.22. The new legal requirement to register was promoted via:
- direct contact with childminders by health visitors and other front-line childcare workers;
 - a national awareness campaign, including media advertisements and flyers aimed at childminders placed in GP surgeries [1; appendix I].
- 3.23. Registration has led to the professionalisation of childminding.

The NCMA was founded in 1977 by childminders, parents and local authority workers and has grown into a unique, professionally staffed organisation, involving childminders at all levels. It promotes registered childminding as the marker of quality childcare [3].

3.24. In turn, the professionalisation of childminding has led to self-regulation. All NCMA childminders are expected to work toward 10 quality standards that cover all aspects of childminding. This underlines the reputation of NCMA childminders as high quality, professional childcare workers [21].

3.25. Self-regulation includes reporting unregistered childminders. Registered childminders are more likely to report unregistered childminders, who are viewed as potentially bringing the profession into disrepute [appendix I].

3.26. Research evidence suggests that compliance with registration has been heightened by forms of:

“...support, mentoring and technical assistance in which regulators engage in a dialogue with childminders about how and why certain standards are implemented” [17, p152].

3.27. A report by the Social Services Inspectorate (SSI) of arrangements for under-eights supports the above statement and suggests that:

“...on-going support, training and advice for registered day care providers are all crucial components in ensuring that the

required regulatory standards of childcare are maintained, improve and remain up-to-date. Without these services, good outcomes for children cannot be guaranteed by a regulation service alone” [22, p35].

Supporting registered childminders

3.28. In fact, childminders have welcomed the support associated with registration, particularly the development of a personal relationship with local authority inspectors [8].

3.29. OFSTED regulatory officers no longer have a role in support, advice or training childminders. Support and development are now the responsibility of early years development partnerships. The division of inspection and support may have a negative impact on the recruitment and retention of childminders [1].

3.30. The SSI has urged local authorities to clarify the types and purposes of support for day care providers, in order to inform joint working arrangements, procedures and protocols between regulators and development staff [22].

3.31. The following types of support have been suggested as a baseline from which to develop shared procedures, thresholds, roles and responsibilities:

- information and advice to providers about understanding regulatory requirements and inspection standards;
- information and advice to providers about best practice;
- information and advice to

- providers about the special needs of individual children;
- information and advice to parents seeking day care;
- information and advice to providers wishing to vary the terms of their registration;
- follow-up concerns about poor quality day care;
- monitoring of providers who are failing to meet childcare standards;
- information and advice to other professionals working within day care settings.

Who's Looking After the Children? [22, p6]

Declining numbers of registered childminders

3.32. Immediately after the introduction of the Children Act 1989, there was a decline in numbers of registered childminders from 109,200 in 1992 to around 81,000 in 1993 [8, p15]. Research suggests that this reflects loss of 'dormant' childminders rather than as a result of new inspection procedures, which most childminders regarded as positive [23].

3.33. It was an administrative 'clear-out' of people no longer operating as childminders but whose details still appeared on local authority lists that accounts for the decline. This was in part promoted by the introduction of a £10 registration fee. Numbers of childminders then fluctuated reaching a high of 102,600 in 1996 before beginning a consistent downward trend [8].

3.34. More recently, the number of childminders leaving the profession has not been matched by new

childminder registrations. Reduced levels of and changing nature of childminder inspection and support have been put forward as among several factors affecting retention. The number of registered childminders has declined from 102,600 in 1996 to 75,600 in 2000. Reasons for numbers leaving the profession include:

- a lack of support for childminding at a local authority level;
- low pay and poor status of the work;
- increased regulatory demands, although childminders endorsed regulation.

Reasons for declining numbers entering the profession include:

- changing demographics resulting in shrinking supply of prospective childminders;
- increased employment opportunities offering flexible working patterns;
- low pay and poor status of the work.

Who Cares? Childminding in the 1990s [8]

Unregistered childminding

3.35. There is no recent information on the estimated numbers of unregistered childminders. A review of childminding conducted during the mid-1980s made a 'best guess' of 15 to 25 per cent of all minded children under five being with unregistered childminders. This was primarily based on a small-scale study of parents that found that 17 per cent of 70 children across 24 local authorities were with unregistered minders [16, p8]. It

should be noted that this estimate was made prior to the introduction of the Children Act 1989.

- 3.36. During the mid-1990s, research on the use of appeals and prosecutions under part X of the Children Act 1989 found that two-thirds of local authorities had not used the enforcement procedure (s78(3)). This procedure is designed to provide a formal notification to someone acting as a childminder without registration that they must register without that person having automatically committed an offence [20].
- 3.37. The research states that it is not possible to say whether this was because local authorities found it was sufficient to advise people to register without recourse to the enforcement procedure or because of a lack of confidence in the procedure itself or lack of time to implement it.
- 3.38. Where the procedure had been used and followed up, however, the procedure was effective in encouraging the childminder to apply for registration or to stop caring for the children.
- 3.39. If no application was received after the enforcement notice, it was difficult for local authorities to know if the person had stopped acting as a childminder because monitoring is time consuming, or because of the difficulties of proving that the care was for reward [20, pp17-18].
- 3.40. There is information to suggest, however, that registration and the

increasing professionalisation of childminders appear to have reduced the numbers of unregistered childminders. Health visitors and other staff working with children have not identified a large body of unregistered childminders operating in England and Wales [appendix I].

Implications for the registration of private foster carers

- 3.41. Official reports have documented the failure of the current notification system to protect private foster children [24; 25; 26]. A registration system has the potential to adopt a proactive approach while upholding the principle of parental choice but still protecting children from unscrupulous or poor quality carers.
- 3.42. Adopting a proactive approach will be a key incentive for registration. Registrations of childminders leapt during the late 1960s as a result of proactive campaigns aimed at getting childminders to register [16; appendix II]. This contrasts with the more passive approach adopted by local authorities during the 1990s with regard to a lack of use of enforcement procedures for childminders and failure to promote notification procedures for private foster carers [20; 21; 25; 26].
- 3.43. Incentives for registration include:
 - the legal requirement to register (promoted via direct contact with private foster carers);
 - higher status afforded to private foster carers;
 - a source of practical support.

- 3.44. Registration would require that local authorities officially approve a foster carer as suitable. Under the current notification system, the local authority “accepts the arrangement” [2; appendix II].
- 3.45. Official approval is important to promote the development of a professional consciousness among private foster carers [3; 8].
- 3.46. Further work needs to be undertaken, however, to assess the extent to which professionalisation of private foster carers is likely to lead to self-regulation, both in terms of quality of care or likelihood of reporting unapproved private foster carers [appendix II].
- 3.47. Registration should encompass support for private foster carers. Support is a key factor in notification of private foster care arrangements to local authorities. Dedicated workers have highlighted that, where local authorities offer support to private foster carers, they are more likely to come forward [2; 27]. Support has been identified as a key factor in family placement stability [28].
- 3.48. Support can take many forms, including advice on regulatory standards and best practice guidance, positive relationships with regulatory officers, development of self-help groups to promote a sense of a professionalisation, childcare training courses, monitoring and access to materials on caring across boundaries of religion, race and culture [22; 28; 29; 30; 31].
- 3.49. Other potential measures to support private foster carers include extending home responsibilities protection received through child benefit. A call to protect the pensions of all local authority, voluntary and independent foster carers has been made. This measure could act as one incentive for registration [appendix I].
- 3.50. A local authority rather than national system of registration for private fostering should be considered. Local authority experience of fostering means that they are well placed to provide a registration system that is based on supervision and support to safeguard the welfare of this potentially vulnerable group of children living away from home.
- 3.51. Assessment of private foster carers should reflect the assessment of local authority foster carers, who are approved as either generally available to foster children or alternatively able only to foster a specific child already known to them [27; appendix II].
- 3.52. Further work needs to be carried out on what standards should apply to private foster care. Private foster carers could be assessed according to the standards of care applied to childminders but also those standards applied to foster carers [32; 33; 34]. There are 25 national standards for foster care that are contained within three main subject areas:
1. The specific needs and rights of each child or young person in foster care are met and respected.

2. Each foster carer provides effective and appropriate care.
 3. Each authority responsible for the provision of public care for children and young people offers a high quality foster care service for all who could benefit from it.
- National Standards for Foster Care* [33].
- 3.53. The NCSC inspects all local authority fostering teams, voluntary organisations and independent fostering agencies using the national minimum standards (NMS) rather than the more comprehensive national standards for foster care outlined above [34]. The NCSC is well placed to carry out inspections of private foster care registration.
 - 3.54. Registration of private foster carers could involve a two-fold process. First, provisional registration should be based on private foster carers meeting a minimal standard of care. Second, given that a large proportion of private foster care arrangements cross boundaries of religion, race and culture, full registration could depend on white, private foster carers attending training that addresses the specific social, cultural and other welfare issues raised by caring for the needs of black and minority ethnic children [5; 35; 36; appendix II].
 - 3.55. A more stringent system would serve to drive private foster caring underground further [appendix I]. It appears that some private foster carers are either ex-local authority foster carers or have been turned down as local authority foster carers [2]. Some have been childminders [36]. Private foster carers opt for the autonomy and lack of state involvement in their arrangements [27].
 - 3.56. Support within this context becomes imperative to act as an incentive for private foster carers and birth-parents to come forward and register. Registration raises the need to formalise working together with birth-parents, foster carers and children. This may take the form of written contracts; contact between birth-parents and local authority workers; support to private foster carers on religion, race and culture; and it affords opportunities to work with children [36; appendix II].
 - 3.57. Registration also raises the importance of inter-agency collaboration. This should include a duty on local authority workers, including teachers, and GPs and health visitors to notify social services when they suspect a child is being privately fostered. Specialist teams rather than dedicated workers could aid working together within and between agencies. This would support the identification of private foster children and track their whereabouts across local authority boundaries if they move [5; appendix II].
 - 3.58. Registration facilitates the collection of detailed data on numbers and range of private fostering arrangements. Currently, the number of private foster children is unknown. In 1991, the African Families Advisory Service (AFAS) estimated that between 6,000 and 9,000 West African

children were privately fostered. This figure was based on a study of 12 local authorities with the highest rates of notification. It then investigated non-notification rates by carrying out household visits and on the basis of these findings, extrapolated nationally [27, p9].

- 3.59. AFAS estimated that 80 to 90 per cent of placements involved West African (mainly Nigerian) children [34]. The figure of 10,000 privately fostered children [7; 8] appears to be based on a combination of the estimated 6-9,000 West African children plus a further 10 to 20 per cent of children with other ethnic identities [27].
- 3.60. The current legal definition of private fostering covers an array of childcare arrangements [5]. Safeguards other than registration may offer more appropriate protection for some children living in arrangements currently defined as private foster care.
- 3.61. Private foster care arrangements cover two groups of children. First, research evidence exists to suggest that there are children whose parents and private foster carers are more likely to define themselves as entering into or providing private foster care arrangements.
- 3.62. This first group refers to the children of West African parents, who, through a combination of poverty and unsatisfactory living conditions, customs of using family and wider community networks to care for their children and long hours of study or work, find private

fostering to be their only option. Placements have tended to be with white, private foster carers living in rural areas [2; 27; 35; 36; 37; 38; 39; 40; 41; 42].

- 3.63. The current legal definition of private foster care captures a second group of children living in a range of situations that may not always be appropriate to classify as private foster care. There is very little research evidence on the experiences of this potentially vulnerable group of children. Further work should be carried out on whether all or some categories of children should be included for registration. The children that fall within this group include, for example, Chinese children placed in private foster care for reasons that appear to reflect the experience of their West African counterparts. This second group of children includes:
- Chinese children placed in white, rural-based households, who appear to retain firm links with their families [29; 36];
 - unaccompanied asylum-seeking children;
 - children whose parents are deported;
 - children who are brought into the country as domestic workers;
 - children arriving as cultural exchange students or on sponsored holidays following disasters such as Chernobyl [2; 27];
 - children attending language schools;
 - children attending boarding schools placed with non-relatives during holidays. These are often children whose parents live abroad [29];
 - children whose parents are in

hospital, drug rehabilitation or prison [2];

- children who live with non-relatives because of family conflict or breakdown. This group includes teenagers who live with the parents of friends and some runaways, who may be legally defined as private foster children;
- children abandoned by parents [appendix II].

3.63.1. There is very little information on the extent of private fostering among the children of refugees and asylum seekers. Immigration officials assume that children accompanied by an adult carer are safe, while unaccompanied children become the responsibility of the host local authority. It can be anticipated that some of these children, particularly children from eastern Europe will be in private fostering arrangements. Similar fears have been expressed about separation from their families, loss of ethnic and cultural identity and vulnerability to risk [27; 43].

3.63.2. In the case of children whose parents are deported, it may be impossible to trace those parents once they have been returned to their home country [29].

3.63.3. There are increasing concerns over children who are trafficked as domestic workers. Technically, such children are privately fostered. Anecdotal evidence suggests that professional African families who go out to work and need access to childcare are using children brought into the UK as domestic workers. Children are brought in

either by individuals or syndicates using false travel documents or are put on other people's travel documents as their children. The children work long hours, are rarely remunerated and are denied the chance of going to school. They are also prone to emotional, mental and physical abuse [44].

3.63.4. Children attending language schools or students on cultural exchanges hosted with families for more than 28 days also fall under the legal definition of private foster children. A study conducted by the Avon and Somerset police identified 550 incidents of neglect, emotional and sexual abuse within a 15-month period concerning language school students; just three incidents had been reported to them [2, p48].

3.63.5. Technically, children who choose to live with their parent's ex-partner when the parent's relationship ends are also private foster children [appendix II].

3.63.6. Many children who live with non-relatives because of family conflict will move back into their family home, some will continue to live in private foster arrangements and others are at risk of homelessness, whereby 'sofa surfing' (sleeping on other people's sofas for a night here or there) becomes their primary type of shelter [2; 5; 27; appendix II].

3.64. It may be unduly onerous, inappropriate and ineffective to apply a registration system to all

categories of children identified above. Moves to tighten the current definition of private foster care and or/guidance to differentiate the contexts within which registration of private foster care takes place should be combined with other solutions to safeguard the welfare of all vulnerable children living away from home whether their carers are required to register as private foster carers or not.

3.65. An awareness campaign must accompany any move towards registration. Suggestions for a national campaign aimed at parents and private fosterers include printing private fostering regulations on the back of child benefit books [2, p133]. Local rather than national recruitment campaigns have been more effective at recruiting local authority foster carers [27].

3.66. Raising awareness of new duties among local authorities should be accompanied by guidance on the introduction of registration. This may also involve raising awareness of registration or other safeguards among organisations that currently engage private foster carers, such as language schools or those involved in cultural exchanges.

4. Summary of recommendations

- It is effective to draw parallels between the principle of childminding registration and a system of regulation for private foster care because both are private arrangements between parent and provider.
- Compliance with childminding registration has been heightened by

support systems. Local authorities are well placed to offer registration systems based on support as well as inspection.

- Official approval is a prerequisite for professionalisation; further work is needed to assess whether professionalisation is likely to lead to self-regulation, both in terms of standards of care and notification of unapproved private foster carers.
- A duty should be placed on local authority workers to inform social services when they suspect a child is being privately fostered.
- Recognising differences in the nature and timescale of care between childminding and private fostering will help shape a future strategy for private foster care.
- Registration should allow private foster carers to be assessed as generally available or alternatively to be approved for a specific child already known to them.
- Further work should be undertaken on standards for private foster care.
- Registration has the potential to safeguard some but not all categories of children covered under current definitions of private foster care.
- A tighter definition of private foster care and/or guidance which differentiates between the private fostering arrangements for which registration might be most appropriate should provide the basis for an effective registration system.
- A range of solutions to safeguard the welfare of all vulnerable children living away from parents or close relatives should be considered.
- Registration should be accompanied by a campaign to raise awareness among the general public as well as social care professionals.

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Appendix I:

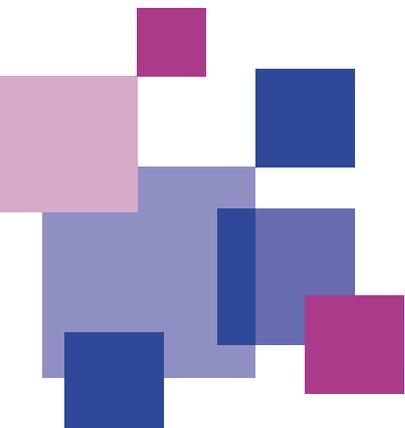
SCIE consultation

Registration of childminders and its implications for private fostering
Thomas Coram Research Unit discussion, Institute of Education, 1 August 2002

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Appendix II: SCIE consultation

Registration of childminders and its implications for private fostering Roundtable discussion, 15 August 2002

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