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for Education

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Date: 13 February 2020

Dear Colleague

**PRIVATE FOSTERING ARRANGEMENTS – DUTY ON LOCAL AUTHORITIES AND SCHOOLS FOR THOSE CHILDREN UNDER 16 WHO ARE BOARDERS AT A SCHOOL AND NEED TO REMAIN IN THE SCHOOL DURING THE SCHOOL HOLIDAYS FOR MORE THAN TWO WEEKS**

As half term is approaching, we understand that some boarding schools may wish or need to keep their boarding facilities open for any children not able to return home for half term and/or possibly over the Easter holidays because of concerns about the coronavirus.

In light of this, I am writing to remind you of the duty placed on local authorities and schools in relation to private fostering arrangements for those children under 16 who are boarders at a school and need to remain in the school during the school holidays for more than two weeks. I ask you to ensure that your staff are also made fully aware.

Under schedule 8 paragraph 9 of the Children Act 1989, pupils at the school under 16 who live at the school for more than two weeks during the school holidays will also fall within the definition of private fostering.

Schools which meet this criteria must give written notice of the proposal to privately foster to the local authority where the child is normally resident, at least two weeks before the child becomes privately fostered. The written notice must include the estimated number of children being privately fostered. Schools must also let the local authority know when the arrangement comes to an end.

Once notified, local authorities have a legal duty to satisfy themselves that the welfare of privately fostered children in their area are safeguarded and promoted. However, local authorities may exempt a person from this notification requirement for a special period or indefinitely.

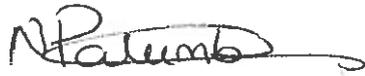
The requirements are set out at the following link:

<http://www.legislation.gov.uk/ukpga/1989/41/schedule/8/paragraph/9>

It is for local authorities to determine whether to use this exemption. In view of the exceptional circumstances (coronavirus), local authorities may wish to consider doing so for schools where they are satisfied there are no safeguarding/well-being concerns and local authorities are confident of the schools' safeguarding policies and arrangements.

Local authorities may wish to seek further legal advice on this.

Yours faithfully

A handwritten signature in black ink, appearing to read 'N Palumbo', with a long horizontal flourish extending to the right.

Nicola Palumbo  
Child Protection, Safeguarding and Family Law