

# Special Guardianship Support Policy

Version v3.0

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# 1. Introduction

## 1.1. Purpose

1.1.1 This Policy covers all aspects of Special Guardianship Support Services, including assessment for support services, and financial support.

1.1.2 This Policy outlines that where a Special Guardianship Order is made in the child or young person's best interests, there should be 'no financial disincentive' for existing **foster carers** in securing a child's permanency with them by becoming their Special Guardian. This approach to practice provides financial support for Special Guardians until the child(ren)/young people are 18 years of age subject to them meeting the terms and conditions within their agreement for instance that the child remains living with them.

1.1.3 Special Guardianship Services should not be seen in isolation from mainstream services. It is vital to ensure that children and families involved in Special Guardianship arrangements are assisted in accessing mainstream services and are aware of their entitlement to welfare benefits as appropriate.

## 1.2 Scope

1.2.1 Special Guardianship is a legal status that can offer children and young people greater security than long-term fostering but without the absolute legal severance from the birth family that an Adoption Order would.

This policy outlines the range of support services available to Special Guardians in Staffordshire to meet their needs.

## 1.3 Legal Framework for Special Guardianship Support Services

1.3.1 This policy should be read in conjunction with the Special Guardianship Regulations (2005) as amended in 2016, the Children Act (1989) as amended by Section 115 of the Adoption and Children Act (2002), and the Special Guardianship Guidance (2017) Special Guardianship Guidance - Department for Education. Any regulations cited refer to the Special Guardianship Regulations (2005) unless otherwise stated.

- [The Special Guardianship Regulations \(2005\)](#)
- [The Special Guardianship \(Amendment\) Regulations/Guidance 2016](#)
- [The Care Planning, Placement and Case Review \(England\) Regulations 2010](#)
- [The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review](#) (Sections 14A – 14G as amended by the Act above).
- [Adoption and Children Act 2002](#)
- [Special Guardianship Guidance \(2017\).](#)

## 1.4 Supporting documentation

1.4.1 Please find the following supporting documents that directly support this policy and are to be read in conjunction with.

- Special Guardianship Guidance
- Kinship Procedure
- Special Guardianship Leaflets
- Special Guardianship Flowchart
- Special Guardianship Annual Review Process
- Resource Panel TOR
- Resource Panel Process
- SGO Finance Process
- SGO Information Pack Education
- SGO Education Offer
- SGO Duty Process
- Head of Service District Lead Presentation Special Guardianship

## 2. Provision of Special Guardianship Support Services (Regulation 3)

- 2.1 Staffordshire County Council (SCC) **must** plan for the provision of Special Guardianship Support Services (Section 14F of the amended Children Act, 1989), and are **required** to make a range of support services available in their area to meet the needs of people affected by Special Guardianship. Special Guardianship Support Services are defined as: -
- 2.1.1 Financial Support (Regulation 3(1)(a))
  - 2.1.2 Services to enable children, Special Guardians (including prospective special guardians) and parents to discuss matters relating to the special guardianship (Regulation 3(1)(b)).
  - 2.1.3 Assistance including mediation in relation to contact between the child and their parents, relatives or significant others with whom the child has a relationship that the authority considers to be beneficial to the welfare of the child (Regulation 3(1)(c)).
  - 2.1.4 Therapeutic services for the child (Regulation 3(1)(d)).
  - 2.1.5 Assistance to ensure continuance of the relationship between the child and the (proposed) Special Guardian, including training to meet any special needs of the child, respite care, and mediation (Regulation 3(1)(e)); and
  - 2.1.6 Counselling, advice and information (Section 14F(1)(a) of the Children Act, 1989).

## 3. Responsibility for Assessment of Special Guardianship Support Services (Regulation 5)

- 3.1 Where the child was **not** in the care of SCC prior to the making of the Special Guardianship order, the Local Authority where the Special Guardian lives is responsible for undertaking an assessment of need and provision of any Special Guardianship Support Services in response to that assessment. This includes assessment and any support that is needed by the child's relatives who may live elsewhere. If the Special Guardian and their family move, then the responsibility passes to the new Local Authority. The Local Authority where the Special Guardian previously lived should work with the new Local Authority to ensure a smooth transition for the child and family.

3.2 Where a child was in the care of SCC, the assessment and provision of services for the child, the Special Guardian and any children of the Special Guardian all remain the responsibility of SCC for three years from the date of the Order (regulation 5). This rule applies wherever the family live during this period. If the family do move during the three years or there is any other significant change in their circumstances, the Local Authority may wish to undertake a re-assessment and alter the support plan, accordingly, including any family time arrangements that are part of the plan.

3.3 When the three-year period from the making of the Special Guardianship Order has expired, the Local Authority where the Special Guardian lives is responsible for assessing and providing support services including financial support where this was not an ongoing agreement for the duration of the SGO.

*\*\*For further information on supporting a smooth transition into SCC and transferring of Special Guardianship Arrangements to another Local Authority, please see Special Guardianship Guidance. \*\**

### 3.4 Where the Support is ongoing Financial Support

3.4.1 A distinction is made between ongoing financial support (financial support that is paid on a regular basis) which was agreed before the Special Guardianship Order was made and other support services. The assessment and provision of such financial support will remain the responsibility of the Local Authority who originally agreed it for as long as the family in question qualify for payments. This distinction has been made because financial support can be paid without direct contact with the family.

3.4.2 Therefore, any Special Guardianship arrangements where financial support was agreed prior to the making of the Special Guardianship Order in SCC it remains our responsibility for the duration that they remain eligible for financial support.

3.4.3 The Local Authority may provide services to people outside their area in other circumstances where the Authority considers it appropriate. For example, transitional arrangements by the originating authority where a family move to allow time for the new authority to review the family's existing plan without a break in service provision (Regulation 5).

## 4. Assessment for Special Guardianship Support Services (Regulation 11)

- 4.1 The following people **must** receive an assessment at their request, in arrangements involving **children in the care of the Local Authority**, or children who were in the care of the Local Authority immediately prior to the making of the Special Guardianship Order; -
- 4.1.1 The child
  - 4.1.2 The Special Guardian, or prospective Special Guardian
  - 4.1.3 A parent (but only in relation to their need for support
  - 4.1.4 with family time and/or discussion groups).

*Note: It is important that children **who are not (or were not)** in the care of the Local Authority are not unfairly disadvantaged. In many situations, the only reason the child is not in the care of the Local Authority is that relatives stepped in quickly to take on the responsibility for the child when a parent could no longer do so.*

- 4.2 The following people **may** be offered an assessment of their need for Special Guardianship Support Services where the child **was not** in the care of the Local Authority:
- 4.2.1 The child.
  - 4.2.2 The Special Guardian (s), or prospective Special Guardian(s).
  - 4.2.3 Parent.
- 4.3 The following people **may** be offered an assessment of their need for Special Guardianship Support Services whether the child **is in the care of the Local Authority or not**;
- 4.3.1 A child of the Special Guardian(s)
  - 4.3.2 Any person with a significant on-going relationship with the child.

- 4.4 If SCC decides not to carry out an assessment of need where they have discretion, they **must** give that decision in writing, including the reasons to the person who requested the assessment. The person who requested the assessment **must** then be allowed 28 days to make representations.
- 4.5 It **will not always be necessary** to undertake an assessment before providing information, advice or counselling services. However, consideration is given to providing any of the services set out under Regulation 3 (see above), then an assessment **should** be carried out in line with this guidance (Regulations 11-13).
- 4.6 Where a request relates to a particular service or where a particular service is what is required, then the assessment process **can be limited** to looking at the need for that service (Regulation 11 (4)).

#### 4.7 Format of the Assessment:

- 4.7.1 Assessments are required to consider (as far as relevant to the assessment) in all cases:
- 4.7.2 The current and likely future needs including developmental needs of the child (including any harm the child has suffered and any risk of future harm posed by the child's parents, relatives or any other person the local authority considers relevant).
- 4.7.3 The parenting capacity of the Special Guardian or prospective Special Guardian including:
- 4.7.3.1 Their understanding of, and ability to meet the child's current and likely future needs, particularly, any needs the child may have arising from harm that the child has suffered.
- 4.7.3.2 Their understanding of, and ability to protect the child from any current or future risk of harm posed by the child's parents, relatives or any other person the local authority consider relevant, particularly in relation to contact between any such person and the child.
- 4.7.3.3 Their ability and suitability to bring up the child until the child reaches the age of eighteen.
- 4.7.3.4 The proposed family time arrangements and the support needs of the child, parents and the prospective special guardian.
- 4.7.3.5 The family and environmental factors which have shaped the life of the child.

- 4.7.3.6 What the life of the child might be like with the Special Guardian.
- 4.7.3.7 Any, previous assessment undertaken in respect of the child or the Special Guardian or prospective Special Guardian.
- 4.7.3.8 The needs of the Special Guardian or prospective Special Guardian and their family.
- 4.7.3.9 Where it appears that there is a pre-existing relationship between the Special Guardian or prospective Special Guardian and the parents of the child, the likely impact of the Special Guardianship Order on the relationship between that person, that child and that parent.
- 4.7.4 Assessment for Special Guardianship Support Services **should** follow the guidance set out in, and use the domains of, the *Framework for the Assessment of Children in Need and their Families*, recognising that the context is different from that for birth families. Past assessments for a child who has previously been a **Child in Need/Child Protection** or **in the care of the Local Authority**, can inform the assessment of Special Guardianship support needs.
- 4.7.5 The assessment of Special Guardianship Support Services (whether in the form of a court report or a separate report) **must** be agreed by the Team Manager of the relevant allocated Fostering or Kinship team along with the proposed Special Guardianship Support Plan.

## **5 Working restoratively in Partnership with the Special Guardian(s) and child/ren:**

- 5.1 Assessments should be completed in partnership with special Guardian(s), or prospective special guardian (s). Previous assessments should be drawn upon to inform the assessment of special guardianship support need to prevent Special Guardians needing to repeat already provided information.
- 5.2 Depending on his/her age and understanding, consideration should also be given to involving the child or young person at an appropriate level and to seeking their views.
- 5.3 Where there are barriers to partnership working (for example, learning difficulty, language, culture, disability or ill health, etc.) steps should be taken to support the special guardian or child to overcome these barriers wherever possible.
- 5.4 The special guardian(s), and where appropriate the child or young person, should be fully informed about the process of assessment.

- 5.5 The special guardians should be invited to any meetings, unless child protection proceedings are triggered, and it appears likely that their involvement would be contrary to the best interests of the child.
- 5.6 The Special guardian(s), and where appropriate the child or young person, should be asked which other professionals or agencies are, or have been, involved in supporting the family.
- 5.7 The special guardian(s) and the social worker undertaking the assessment should jointly decide which professionals/agencies should be consulted as part of the assessment.
- 5.8 If the child or the special guardian(s) is/are already receiving support via one of the authority's other social work teams, the child's allocated social worker should be consulted.
- 5.9 The special guardian(s) written or verbal consent to share information with other professionals/agencies should be recorded.
- 5.10 Unless safeguarding or other concerns arise that require consent to be dispensed with, information should not be shared with other professionals or agencies without the consent of the special guardian(s), or where appropriate the consent of the child or young person.
- 5.11 Where the child has not been seen by the social worker during the assessment process, consent should be sought from the special guardian to consult a professional/ agency that have seen the child recently.
- 5.12 Where a special guardianship family are not prepared to give consent for information sharing or to involve other professionals/agencies that the social work considers are likely to have important information for the assessment, consideration should be given as to whether and how to proceed with the assessment.
- 5.13 Where it is identified that further assessment(s) is/are required, the social worker must identify who will be responsible for undertaking them and the timescales for completion.
- 5.14 Other assessment 'tools' should be used as appropriate.
- 5.15 At the end of the assessment, and once the necessary approval has been obtained from the respective Team Manager, the allocated fostering/SGO social worker must inform the person requesting support of its outcome, including.
  - 5.15.1 Information about the outcome of the assessment and the reasons for it.

- 5.15.2 Where it relates to financial support, the basis on which this is determined.
- 5.15.3 The services (if any) that the Local Authority proposes to provide.
- 5.15.4 Contact details for Staffordshire's Comments and Complaints process.

## **6 Eligibility Criteria for Special Guardianship Financial Support.**

- 6.1 In order for Special Guardianship financial support to be paid, the child(ren) in question must meet one of the eligibility criteria listed below. There are two groups of children where the payment of a Special Guardianship Order financial support to their carers may be appropriate:
  - 6.1.1 A **child in the care of SCC** placed with SCC foster carers (including kinship carers) or those fostering on behalf of SCC whose application is determined by the Children's Services to be in the child's best interests and where the absence of an allowance would preclude the Order being made.
  - 6.1.2 Upon receipt of a written request to the Fostering, Adoption and Special Guardianship Resource Panel, for a child(ren) **who is not in our care, where SCC:** -
    - 6.1.2.1 Has assessed that the child has suffered significant harm or was likely to have suffered significant harm; and
    - 6.1.2.2 Has been instrumental in intervening in the child's circumstances to ensure that the child is cared for by an appropriate carer; and
    - 6.1.2.3 Has determined that in the absence of those carers being available, Care Proceedings would have been necessary, and the local authority Legal representative has agreed this; and
    - 6.1.2.4 Has determined that the Special Guardianship Order being proposed is in the best interests of the child; and
    - 6.1.2.5 Has determined that the absence of an allowance would preclude the Order being made.
- 6.2 All of the above information **must** be captured in a Key Decision saved on the child and Special Guardians file **by the District Lead**

## **responsible for the child before progressing to Fostering, Adoption and Special Guardianship Resource Panel.**

- 6.3 Where a child/young person has previously been in the care of SCC, SCC are committed to the principle that there **should be no financial disincentive** for the former Foster Carer when progressing to become the child(s) Special Guardian.

## **7 Provision of Financial Support (Regulation 6)**

- 7.1 Financial difficulties should not be the sole reason for a Special Guardianship arrangement failing to survive. The central principle of this policy is that financial support **should** be payable in accordance with the Regulations to help secure a suitable Special Guardianship arrangement where such an arrangement cannot be readily made because of a financial obstacle. Financial support is payable to facilitate arrangements for a person to become the child's Special Guardian, where this is beneficial to the child's welfare and to support the continuation of these arrangements after the Order has been made.
- 7.2 Circumstances in which financial support **will** be paid to a Special Guardian or prospective Special Guardian:
- 7.2.1 Where it is necessary to ensure that the Special Guardian or prospective Special Guardian can look after the child – this will be assessed using the means test.
- 7.2.2 Where the child needs special care which requires a greater expenditure of resources than would otherwise be the case because of illness, disability, emotional or behavioural difficulties or the consequences of past abuse or neglect – this will be subject to approval by the Head of District Delivery and Strategy and there must be clear evidence of the additional costs over and above that assessed through the means test. In addition, the Local Authority through our Welfare Rights Officer would support the family to claim welfare benefits as appropriate such as Disability Living Allowance for a child.
- 7.2.3 Where the Local Authority considers that it is appropriate to contribute to any legal costs, including Court fees, of a Special Guardian or prospective Special Guardian associated with:
- 7.2.3.1 The making of a Special Guardianship Order or any application to vary or discharge such an Order.
- 7.2.3.2 An application for an Order under Section 8 of the Children Act, 1989 (a Contact Order, a Prohibited Steps Order, **a Child Arrangements Order** or a Specific Issue Order).

- 7.2.3.3 An order for financial provision to be made to or for the benefit of the child.
- 7.3 Circumstances in which financial support **may** be paid to a Special Guardian or prospective Special Guardian:
- 7.3.1 Where the Local Authority considers it appropriate to make a contribution to the expenditure necessary for the purpose of accommodating and maintaining the child, including the provision of furniture and domestic equipment and provision of clothing, and other items necessary for the purpose of looking after the child. The sums payable will be in accordance with the equipment and clothing values listed in the County Council's Fostering Allowance guidance. The payment of any such contributions will be approved by the relevant Team Manager.
- 7.3.2 Alterations to and adaptations of the home, and the provision of means of transport will be subject to a robust assessment taking account of the child's needs and the carers resources. Any financial support requested will be presented to the Fostering, Adoption and Special Guardianship Resource Panel with the requested paperwork as per the policy.
- 7.4 Payment of financial support under 7.2.2 is intended where the child's condition is serious and long-term. For example, where a child needs a special diet or where items such as shoes, clothing or bedding need to be replaced at a higher rate than would normally be the case with a child of similar age who was unaffected by the condition.
- 7.5 Financial support paid under 7.2.3 so that the Local Authority may contribute to initial legal costs, where appropriate, but also any future legal costs that are associated with the Order, to continue to support the existence of the order, again, where the Local Authority considers this to be appropriate.
- 7.6 In many Special Guardianship arrangements, family time between the child and their relatives or others with whom the Local Authority considers the child to have a beneficial relationship is very important. Where assistance with travel costs is required for parents, this will be considered subject to prior approval by Team Manager and if ongoing the Fostering, Adoption and Special Guardianship Resource Panel and will be in line with financial support provided to Foster Carers in relation to transporting children for family time.
- 7.7 Discretionary matters will continue to be discussed at Fostering, Adoption and Special Guardianship Resource Panel and key decisions

made accordingly. As such requests for financial support from other persons **(not falling within this policy as set out)** will be considered, but unless the Local Authority is satisfied that there are exceptional circumstances, a financial assessment, including a means test, will not be conducted.

- 7.8 It is not possible to specify all the sorts of circumstances which might be regarded as exceptional because family by family consideration is required. In those circumstances consideration of financial support will be on the assessed needs of the child under regulation 12 and the local authority considering that the award is necessary to ensure that the special guardian can look after the child.
- 7.9 The request for Special Guardianship financial support depending on the request should be made either through the allocated social worker/family practitioner to their Team Manager or via contacting the Fostering Permanency and Special Guardianship Support Team duty who can advise on the Fostering, Adoption and Special Guardianship Resource Panel process.

## 7.10 Assessment for Financial Support (regulation 13)

- 7.10.1 In considering the provision of financial Support the Fostering, Adoption and Special Guardianship Resource Panel will need to be satisfied that the Special Guardian or Prospective Special Guardian(s) is aware and taking advantage of all benefits available to them. Financial support paid under these Regulations cannot duplicate any other payment available to the Special Guardian or Prospective Special Guardian. Therefore, in determining the amount of any financial support, the Local Authority must take account of any other grant, benefit, allowance, or resource which is available to the person in respect of his needs because of becoming a Special Guardian of the child.
- 7.10.2 The Fostering Permanency and Special Guardianship Support Team or the Welfare Rights Officer directly will provide advice and support to Special Guardians to access welfare benefits to which they are entitled if required (Regulation 37).
- 7.10.3 When considering the provision of financial support, the Local Authority will therefore request a financial assessment to consider the Special Guardian's or prospective Special Guardians means. The Local Authority has developed a financial assessment process which will assess the amount of financial support due or if financial support is to be paid. The Local Authority is required to consider: -

- 7.10.4 The Special Guardian or prospective Special Guardian's financial resources (which will include income from any investments) including any tax credit or benefit which would be available to them if the child lived with them, including universal credit, jobseeker's allowance, income Support and employment support allowance (NB: this is not an exhaustive list). This is consistent with the fact that financial support for Special Guardians is disregarded for the purpose of calculating income related benefits and tax credit.
- 7.10.5 The special guardian's income and other resources, including significant income from capital and/or investments, such as additional properties, apart from the home they reside in.
- 7.10.6 The amount required by the Special Guardian or prospective Special Guardian in respect of their reasonable outgoings and commitments (e.g., Mortgage, Council Tax). General household expenditure on items such as food, transport, clothes, recreation will be calculated using the Income Support allowance rates plus a 25% uplift.
- 7.10.7 The financial needs that relate to the child (e.g., because of special diet or need for replacement bedding) and the resources of the child (e.g., a trust fund).
- 7.10.8 The information and evidence required for the financial assessment, Income – salary or self-employment and/or benefits received
  - 7.10.8.1 Mortgage
  - 7.10.8.2 Rent
  - 7.10.8.3 Council tax
  - 7.10.8.4 Gas, electric
  - 7.10.8.5 Water
  - 7.10.8.6 TV licence
  - 7.10.8.7 Credit and loans' balances and payments
  - 7.10.8.8 Bank statements.
  - 7.10.8.9 The financial needs that relate to the child (e.g., special diet, nursery costs) and the resources of the child e.g., a trust fund (Reg 13).
  - 7.10.8.10 Any nursery or wraparound care.

- 7.10.9 In relation to requests for financial support with childcare costs there is an expectation that Special Guardians will be supported to apply for any government funding they are entitled to, and Staffordshire County Council will, therefore consider any shortfall following the outcome of these applications. This would include:
- 7.10.10.1 Think 2 – Funded education for two-year olds
  - 7.10.10.2 15/30 hour's child-care (from the age of 3),
  - 7.10.10.3 Nursery Fees within Universal Credit, or tax-free childcare such as childcare vouchers from an employer.
- 7.10.11 Staffordshire County Council's Financial support offer is based on the principle embodied in the Special Guardianship Guidance 2017 (para 65) which states, '*In determining the amount of any on-going financial support, the Local Authority should have regard to the amount of fostering allowance which would have been payable if the child were fostered*'. In determining the amount of any ongoing financial support, the Local Authority will have regard for the fostering rates. The Local Authority's basic maintenance allowance that would be payable in respect of the child, minus child benefit and child tax credit (Child Related Element of Universal Credit) will make up the maximum payment the Local Authority could consider paying the family.
- 7.10.12 For Special Guardians in receipt of solely the minimum amount of income-related benefits, which makes up their applicable amount for personal circumstances, Child Benefit will not be deducted from the regular financial support provided.

## **8 Disregard of Financial Means (Regulation 13)**

- 8.1 The Local Authority **may** disregard means where they are considering providing financial support in respect of:
- 8.1.1 provision in respect of a 'settling-in grant'
  - 8.1.2 Recurring costs in respect of travel within the UK for the purpose of visits between the child and a related person with whom they have family time (or would have contact but for prohibitive travel costs) - so that, for example, where the Local Authority wants to underline the value of and facilitate family time for the child with a sibling, they can achieve this by not means testing payments to support this;

- 8.1.3 Any special care which requires a greater expenditure of resources than would otherwise be the case because of illness, disability, emotional or behavioural difficulties or the consequences of past abuse or neglect in relation to a child who has previously been looked after by the Local Authority (Regulation 6(2)(b)). This will allow Local Authorities to provide a financial package for a particular child with disregard to a child's disability related benefits to facilitate the making of a Special Guardianship Order.
- 8.1.4 when considering providing financial support in respect of legal costs (but not legal representation), including fees payable to a court, where:
- 
- 8.1.4.1 a special guardianship order is applied for in respect of a child who is in the care of the Local Authority, and
- 8.1.4.2 the authority supports the making of that order, or
- 8.1.4.3 an application is made to vary or discharge a special guardianship order in respect of that child. (See Appendix 2 of the Kinship Procedure)
- 8.2 Local Authorities **are not** expected to meet the legal costs of a Special Guardianship Order where they oppose an application in respect of a child who was previously in their care or for those that were not in their care. Local Authorities **may** wish to advise prospective Special Guardians in these circumstances that they may be able to obtain help with legal costs from the Legal Services Commission (LSC), although this will be subject to a means and merits test laid down by the Funding Code.

## **9 Arrangements for Former Foster Carers (Regulation 7).**

- 9.1 Financial support cannot normally include the payment of remuneration to the Special Guardian or prospective Special Guardian for care of the child. However, where the Special Guardian or prospective Special Guardian previously fostered the child and they received an element of remuneration in the financial support paid to them as the child's foster parent, the Local Authority may continue to pay that element of remuneration for two years from the date of the Special Guardianship Order.
- 9.2 However, SCC **will** continue to provide remuneration to the prospective Special Guardian(s) **until the child/ren are 18 or leave their care whichever** occurs first where: -

- 9.2.1 the special guardian previously fostered the child(ren) and they received an element of remuneration in the financial support paid to them as the child/rens foster parent.
- 9.2.2 the eligibility criteria within this policy are met.
- 9.2.3 That the arrangements are being made as part of Staffordshire County Council children social care services' plans to secure the long-term permanence of the child in their best interests.
- 9.3 For Independent Foster Carers who have a child in their care from SCC they will need to apply through the allocated social worker to Fostering, Adoption and Resource Panel to consider a request for a match of their fostering allowances rates. Documentary evidence will be needed for the preceding 3 months of fostering allowance payments from their agency including payments for respite fees. We do not match those discretionary allowances that are solely for foster carers such as Birthday/Christmas and Holidays and minus any reduction as indicated in the financial assessment.
- 9.4 Any regular financial support provided to SCC foster carers, therefore, is equivalent to SCC's weekly age-related fostering allowance previously received by the carers (excluding the discretionary elements of fostering allowances Christmas and birthday allowance and holiday allowance payments), and minus any reduction as indicated in the financial assessment.
- 9.5 Resource Panel will agree to pay the inflation increases in line with SCC's agency inflation rates and the Local Authority will commit to these rates until each child reaches 18 and will be calculated each financial year.
- 9.6 Resource Panel will also agree to the age-related uplifts for each child until they reach 18 respectively. SCC will automatically apply government recommended rates for increase in financial support. For Independent Foster Carers converting to Special Guardianship age related uplifts will be subject to approval at Resource Panel and based on matching their existing Independent Fostering Agency Arrangement.
- 9.7 Any decision to maintain financial support under Special Guardianship must be approved by the Fostering, Adoption and Special Guardianship Resource Panel. Any such arrangement must be clearly defined in the Special Guardianship Support Plan and will be subject to annual review as per the regulations.
- 9.8 For more information, please see Kinship Procedure for [Conversion of Foster Carers to Special Guardianship and Special Guardianship Guidance](#).

## 9.9 Support Relating to Education

9.9.1 It is essential where a child has an allocated Child Social Worker the final Personal Education Planning Meeting (PEP) should be held prior to the making of the Special Guardianship Order. This is a crucial transition point for the child and the paperwork should outline the continued support that the child will receive in the education setting under Special Guardianship where needed, including the setting of any targets/aspirations and how the Pupil Premium will be utilised for the child once the necessary actions within this policy have been completed. The Child Social Worker should also ensure that the Special Guardians have a copy of the legal order and a letter to provide to the school. The Local Authority whilst also providing this to the Special Guardians can also provide this directly to the school with the consent of the Special Guardians.

9.9.2 **Early Years' Education** - Children aged two may be entitled to receive free early education and childcare if they live in England. This must be with an approved childcare provider and starts the term after the child's 2nd birthday; this is 15 hours per week term time only (some providers may agree to spread this through the year of 12 hrs per week). All children, the term after their 3<sup>rd</sup> birthday will be entitled to 15 hours free childcare funding up until they reach statutory school age. Some children may be eligible for 30 hrs. The following link will determine what is available in the area the child is living or is going to live [www.gov.uk](http://www.gov.uk)

9.9.3 **Pupil Premium Plus – Only** previously looked after children in Reception to Year 11 are entitled to Pupil Premium Plus. This is extra funding of £2,410 per annum is provided to the school to raise the attainment of pupils who are classed as disadvantaged, those in care or who have left care.

*Note: Children who are educated at home or attend private schools are not currently eligible.*

9.9.4 For schools to access the funding, guardians must declare their child's SGO status directly to the school before the school completes the annual census currently during October.

9.9.5 Those children who are on private arrangements and were not looked after will only qualify based on the circumstances of the guardians and will have to be deemed as disadvantaged

9.9.6 Parents and guardians must provide evidence, for example, a copy of the legal order, or a confirmation letter from the local authority which placed the child. Guardians should not need to declare their child's status

again until the child changes school. With regards to the early years funding, Children do not have to take up the full 570 hours of early education. Providers will receive EYPP funding that is proportionate to the number of hours that a child is taking up. Early Years Pupil Premium is £302 per academic year. The child is eligible for the funding the term after their 3rd birthday.

9.9.7 With regards to the early years funding, Children do not have to take up the full 570 hours of early education. Providers will receive EYPP funding that is proportionate to the number of hours that a child is taking up. Early Years Pupil Premium is £302 per academic year. The child is eligible for the funding the term after their 3rd birthday.

9.9.8 You may also get early years pupil premium if your child is currently in the care of a local authority in England or Wales or if your child has left care in England or Wales through:

9.9.8.1 Adoption

9.9.8.2 Special guardianship order

9.9.8.3 a child arrangements order

*Note: that this is therefore not available to all such as private arrangements.*

## 9.10 **Wales Pupil Premium:**

9.10.1 There is no pupil premium in Wales. The Welsh Authority support children who have experienced care through the Pupil Development Grant. The grant is made payable regionally with schools making a claim for the funding. The grant can be used for to provide bespoke interventions based on the need of the learning. A small proportion of the grant can also be used to provide individual bursaries for bespoke education needs of learners.

9.10.2 Eligibility: learners aged 3-15 who are:

9.10.2.1 Currently Looked After

9.10.2.2 Formerly Looked after that includes - Adoption Order / Special Guardianship Order/Child Arrangement Order/Residence Order

## 9.11 **Scotland Pupil Premium: Pupil Equity Funding**

9.11.1 Pupil Equity Funding is allocated directly to schools on the basis of the estimated number of children and young people in P1-S3 registered for free school meals under the national eligibility criteria. If the child is

registered to a school in Scotland, eligible and registered for free school meals the school would be allocated funding for this child.

- 9.11.2 There is also a Care Experienced Children and Young People Fund, where the funding is paid through the Attainment Scotland Fund to every local authority in Scotland. The fund is used to improve the educational outcomes of care experienced children and young people aged 0-26. The allocations are based on the number of looked after children in each authority aged 5-15 years. The funding is used at the discretion of Local Authorities, who all use the funding differently, Scottish Attainment Policy Challenge Unit recommend that you get in touch with the local authority where the child would be based, and they will be able to advise on their approach for administering this funding. If a child moves from Scotland into another area of the UK, they should work with the receiving Local Authority to support the child and family's transition.
- 9.12 Below are the links to both the Pupil Equity Fund and Care Experienced Children and Young People operational guidance.

[Pupil Equity Funding](#)

[Care Experienced Children and Young People Fund Operational Guidance](#)

## **10 Non-Means Tested Financial Support.**

- 10.1 The Local Authority will not means test the prospective Special Guardian(s) where it considers it appropriate to contribute towards:
- 10.1.1 Expenditure on legal costs. This applies where a Special Guardianship Order is applied for in respect of a child who is looked after by the Local Authority and the Authority supports the making of that Order or an application is made to vary or discharge a Special Guardianship Order in respect of that child. The amount provided will be £150 Plus VAT (the equivalent of 2 hours of advice at Legal aid rate). In exceptional cases a higher level of payment may be made subject to the approval of the Fostering, Adoption and Special Guardianship Resource Panel but in all matters the amount must not exceed the current applicable legal aid rates.
- 10.1.2 Expenditure associated with a child or young person's introduction to a prospective permanent carer.

## **11 Post Assessment (regulation 15)**

- 11.1 When, because of an assessment, a Local Authority decides that a person has needs for Special Guardianship Support Services, they must

decide whether to provide such services. Before making this decision, they must allow the person the opportunity to make representations.

- 11.2 The notice must contain the following information: -
  - 11.2.2 A statement as to the outcome of the assessment of the person's needs for Special Guardianship Support Services.
  - 11.2.3 Where the assessment relates to the need for financial support, the basis upon which financial support is determined whether the Local Authority proposes to provide them with Special Guardianship Support Services.
  - 11.2.4 The services (if any) that the Local Authority proposes are to be provided.
  - 11.2.5 If financial support is to be paid, the proposed amount that would be payable; and
  - 11.2.6 Any conditions attached to the payment.

*Note: In a matter where the Local Authority proposes to provide Special Guardianship Support Services and is required to prepare a plan (see above), the notice must be accompanied by a draft of that plan. When providing the person with the outcome of the written assessment, the Local Authority should refer the person to sources of independent advice and advocacy. Representations should be received within 28 days from the time the proposed decision is sent to the applicants. After considering any representations received, the Local Authority must then decide whether to provide any services to the person who has been assessed, considering the individual circumstances of the case and the resources that are available locally. Any representations received will be considered by the relevant Team Manager. The Local Authority cannot decide until the person has made representations or has notified the Authority that they are satisfied with the proposed decision and, where applicable, the draft plan; or the period of time for making representations has expired.*

## **12 Notification of Decision (Regulation 16)**

- 12.1 Following a decision about what service to provide, if any, the Local Authority is required to give notice of that decision, including the reasons for it. Where the Local Authority is required to prepare a plan under Section 14F (6) of the Act, the notice must include details of that plan and the name of the person nominated to monitor the provision of services in accordance with the plan.

- 12.2 If the Local Authority decides that financial support is to be provided, the notice of this decision must include the following information: -
- 12.2.1 The method of the determination of the amount of financial support.
  - 12.2.2 Where financial support is to be paid in instalments or periodically: -
  - 12.2.3 The amount of financial support.
  - 12.2.4 The frequency with which the payment will be made.
  - 12.2.5 The period for which financial support is to be paid.
  - 12.2.6 When payment will commence.
  - 12.2.7 Where financial support is to be paid as a single payment, when the payment is to be made.
  - 12.2.8 Where financial support is to be paid subject to any conditions, those conditions, the date (if any) by which the conditions are to be met and the consequences of failing to meet the conditions.
  - 12.2.9 The arrangements and procedure for review, variation and termination of financial support.
  - 12.2.10 The responsibilities of: -
    - 12.2.10.1 The Local Authority in relation to reviews; and
    - 12.2.10.1.1 The Special Guardian or prospective Special Guardian pursuant to any conditions for payment of periodic financial support agreed under Regulation 10.
- 12.3 Where service providers other than Children's Social Care Services have been involved in the assessment of support needs, the Local Authority should try, wherever possible, to ensure that decisions made by those service providers follow the same timetable as decisions made under this Regulation. These should then be covered in a single notification and plan sent out by the Local Authority which encapsulates decisions for the whole service package wherever possible.

## **13 Special Guardianship Support Plans.**

- 13.1 Where an assessment identifies the need for support services, a Special Guardianship Support Plan must be completed. The Support plan should identify: -
- 13.1.1 the intervention and services that are already in place for the child; and

- 13.1.2 The services that are likely to be needed to support the child in placement in both the short and the longer-term and who will be responsible for providing them.
- 13.2 The Support Plan should be agreed by the Kinship Team Manager (Family and Friends), or the Special Guardianship Support Team Manager, or the relevant Fostering Team Manager. This should be presented to Fostering, Adoption and Special Guardianship Resource Panel as per the Resource Panel process should there be a request for Special Guardianship Financial Support.
- 13.3 The Support Plan will be completed jointly by the child's Social Worker and the Kinship (Family and Friends) Social Worker or Fostering Social Worker who will have lead responsibility for completing this document.
- 13.4 Within 4 weeks of the assessment being concluded the authority will write to or email via secure file transfer the special guardian(s) giving notice as to whether it is proposing to provide Special Guardianship Support Services and if so the detail of what services it is intending to provide; The notice must contain: -
  - 13.4.2 A statement as to the person's needs for Special Guardianship Support Services.
  - 13.4.3 Where the assessment relates to a need for financial support, the basis upon which financial support is determined.
  - 13.4.4 Whether the authority proposes to provide Special Guardianship Support Services.
  - 13.4.5 The services (if any) that the authority is proposing to provide.
  - 13.4.6 If financial support is to be paid, the proposed amount that would be payable and any conditions attached to the payment.
- 13.5 The authority should also refer the special guardian(s) to sources of independent advice and advocacy.
- 13.6 Each special guardian will be given 28 days to consider the authority's proposals and to make any representation to the authority. If he/she is satisfied with the services on offer he/she will be required to sign one copy of the draft plan and to return it to the authority via secure file transfer/in person or via post.

- 13.7 If the special guardian(s) is/are satisfied with the services being offered and return a signed copy of the draft plan to the authority the plan will then be acted upon as necessary.
- 13.8 If the special guardian(s) is/are not satisfied with the services being offered the Team Manager of the allocated Fostering Social Worker or Fostering Permanency and Special Guardianship Support worker will consider any representation received during the 28-day notice period and will then reach a final decision as to what services will be provided/commissioned.
- 13.9 Should this representation be in relation to Special Guardianship Financial Support this decision should be referred to the Fostering, Adoption and Special Guardianship Resource Panel.
- 13.10 The allocated social worker will then give written notice of that decision, including the reasons for it. The letter will give details of the person nominated to monitor the provision of services (usually the allocated Special Guardianship family Practitioner) and will detail when the plan will be further reviewed. It will enclose:
- 13.10.1.1 A revised copy of the plan.
- 13.10.1.2 Details of the authority's complaints procedure.
- 13.11 Copies of the Special Guardianship Support Plan will be sent to any individuals/organisations involved in supporting the child or the special guardian(s) in his/her/their care of him/her (including any individual or team involved in providing support for any agreed/ongoing family time arrangements).
- 13.12 Where the child is of sufficient age and understanding consideration should be given to the appropriateness of giving him/her a copy of the plan to the full range of support services available (including those within Universal and targeted services as well as more specialist support) to ensure the child's needs are fully supported. Other agencies, such as education and health, may therefore need to be consulted about the contents of the Support Plan.

*Note: Particular attention must be given to the content of the Support Plan in relation to the financial information of the Special Guardian and*

*ensure that this confidential information is not shared with birth parents when submitted to Court.*

- 13.13 The support plan should not usually be amended outside the local authority processes. However, if additional information on the need for support, such as, revised expert opinion, be received after determination of the final care plan then the matter can be re-referred to the Fostering, Adoption and Special Guardianship Resource Panel for re-consideration of financial support. For other support matters this should be referred to the Team Manager of the Fostering Permanency and Special Guardianship Support Team.
- 13.14 In exceptional circumstances and where there is a pressing need for amendment regarding financial support, such as a determination of additional need arising at Court and it is not possible to re-convene the Fostering, Adoption and Special Guardianship Resource Panel, then the issue of amendment can be referred to the responsible Head of Service Adoption and Kinship or Fostering Lead who chair Resource Panel for an out of panel key decision.

## **14 Securing the Provision of Services (Regulation 4)**

- 14.1 The Local Authority can arrange for Special Guardianship Support Services to be provided by another body. This enables the Local Authority to delegate or contract out provision of these services to a third party who will provide services on its behalf (Section 14F(9)(b), Children Act, 1989). The Local Authority may provide Special Guardianship Support Services by securing their provision through another Local Authority. This provision is extended to registered Adoption Societies, registered Adoption Support Agencies, registered Fostering Agencies, Clinical Commissioning Groups (CCGs), a local health board and the NHS commissioning board (Regulation 4).
- 14.2 This enables the Local Authority to contract with a neighbouring Authority and/or with an independent registered provider to ensure that the service is provided. This may be appropriate where there is a low demand for a particular Special Guardianship Support Service in an area or to avoid duplication where an existing service provided by one of the prescribed bodies can be developed and maintained as appropriate.

## **15 Payment of Financial Support (regulation 8)**

- 15.1 In accordance with regulation Special Guardianship financial support may be paid either.
- 15.1.1 Regularly, if it is provided to meet a need which is likely to give rise to reoccurring expenditure; or
- 15.1.1.1 By a single payment; or
- 15.1.1.2 If the local authority and the Special Guardian or Prospective Special Guardian agree, by instalments.
- 15.2 For those Special Guardians in receipt of regular financial support SCC pay this on a fortnightly basis into their bank directly

## **16 Conditions of Financial Support (Regulation 10)**

- 16.1 Financial support that is to be paid regularly is not payable until the special guardian(s) or Prospective Special Guardian agrees to and signs up to the following.
- 16.2 That they will inform Local Authority immediately if:
  - 16.2.1 they change their address
  - 16.2.2 the child dies
  - 16.2.3 the child ceases to have a home with the Special Guardian/s
  - 16.2.4 the child leaves the UK for a period longer than a month
  - 16.2.5 the child ceases full-time education or training and commences employment
  - 16.2.6 the child qualifies for welfare benefits the child reaches the age of 18, unless s/he continues in full-time education or training, when it may continue until the end of the course or training s/he is then undertaking.
  - 16.2.7 there is a change in financial circumstances or the financial needs or resources of the child which may affect the amount of financial support payable to them and where the information is given orally, that they will confirm it in writing within seven days.
- 16.3 that they will complete and supply the Local Authority with an annual statement with the relevant information as to the following matters: -
  - 16.3.1 whether their financial circumstances have changed
  - 16.3.2 The financial needs and resources of the child.
  - 16.3.3 Their address and whether the child remains in their care.
- 16.4 Any change of circumstance to the Special Guardians finances is to be submitted to the Resource Panel Coordinator with the relevant forms including supporting information e.g. three months bank statement to enable a new financial assessment to be completed.

16.5 The Special Guardian must also sign the 'Terms & Conditions' Agreement and adhere to the conditions set out within this Agreement. Staffordshire County Council Children's social care may suspend or terminate the payment of financial support, and seek to recover all or part of the financial support paid, if any of the above conditions are not followed, but where the non-compliance is the failure to provide annual financial documentation, the local authority is under a duty to send the Special Guardian a written reminder of the need to provide this documentation and to give the person 28 days within which to provide this. Please see [SGO annual review](#) process for further information and the [Kinship Service Procedure](#).

16.6 Notice of any change of circumstances of the Special Guardian or the child/young person may initially be given orally but must be confirmed in writing (including email) within 7 days of this initial conversation.

## **17 Review of Special Guardianship Support Services (including financial support - regulation 17/18).**

17.1 Regular reviews enable the Local Authority and the Special Guardian/s to review the effectiveness of any services provided and consider whether it is appropriate to continue that service or change the provision in some way.

17.2 Where the Local Authority provides Special Guardianship Support Services for a person, including financial support payable regularly the allocated Family Practitioner will review the provision of such services at least annually.

17.3 The Family Practitioner will make contact with the Special Guardian annually and request **an** annual statement **and supporting information** required under Regulation 10 **if:**

17.3.1 there is any relevant change of circumstances that the Special Guardian agreed to notify in accordance with Regulation 10, or any breach of a condition made under Regulation 10 comes to the Local Authority's notice.

17.3.2 At any (other) stage in the implementation of the plan that the Local Authority considers appropriate.

- 17.4 An early review may be initiated therefore if:
- 17.4.1 Staffordshire County Council's children's social care become aware of any significant changes in the circumstances of the family.
  - 17.4.2 The Special Guardian(s) notifies Staffordshire County Council's children's social care of any significant changes or requests an early review because of a change in financial circumstances or support needs.
- 17.5 If there are significant changes in circumstances or challenges faced by the family during the annual review or during an early review, a more in-depth assessment will be requested and completed to identify support needs and the family will be allocated a social worker within the Kinship Service.
- 17.6 During the any review process the review assessment of need **should** consider any change of circumstances affecting the support; and the effectiveness of support measures put in place. Where services are being reviewed, the same procedure for assessment set out in Regulations 12 and 13 must be followed in reviews as they are in a first assessment.
- 17.7 Where there is a change in circumstances identified by the Special Guardian(s) following a review an updated support plan **will** be provided to the family informed by the assessment of need. They **should** be notified of the same information as the notification of the outcome of a first assessment as set out in this policy, following the requirements in Regulation 15 and, if the Local Authority proposes to revise the support plan, provided with a draft of the revised plan. The Local Authority **must** then decide whether to vary or terminate the provision of Special Guardianship Support Services for the person and, where appropriate, revise the plan, having regard to the review, any assessment of need and after considering any representations received within the 28-period specified in the notice. The Local Authority **must** give the person notice of their decision (including the reasons for it) and a copy of the revised support plan.
- 17.8 Where there is a proposed change to the Special Guardians financial support following any review, this **should** be presented by the allocated family practitioner to the Fostering, Adoption and Special Guardianship Resource Panel for a key decision and their process followed.

- 17.9 If a decision is made to vary or terminate the provision of Special Guardianship support (including financial support) after a review, notice in writing must be given by the allocated family practitioner to the person concerned and they should be given 28 days to make representations to the deciding Team Manager or for financial support decision the Fostering, Adoption and Special Guardianship Resource Panel.
- 17.10 The format and content of the review will vary, depending on the circumstances of the case. Notification of changes of circumstances outside of the annual review process and any review of the provision of support services need not always necessitate direct contact between the Local Authority and the Special Guardian. Where the change of circumstances is relatively minor, the review might be limited to an exchange of correspondence. However, the annual review of support including the provision of financial support will be achieved by direct contact between the Local Authority and the Special Guardian and a review meeting arranged.
- 17.11 Where the change of circumstances is relevant only to one service, any review outside of the annual review process may be carried out with reference only to that service. However, where the change of circumstances is substantial, for example a serious change in the behaviour of the child, it will normally be appropriate to conduct a new assessment of need and provide an updated support plan if support services and/or financial support to the Special Guardian changes because of such a review.

## **18 Where financial support ceases to be payable.**

- 18.1 Regulation 9 provides that regular financial support ceases to be payable to a special guardian if:
- 18.1.1 the child ceases to have a home with them
  - 18.1.2 the child ceases full-time education or training and commences employment
  - 18.1.3 the child qualifies for Income Support, Job Seekers Allowance or Universal Credit (Universal Credit has been implemented since the SGO regulations 2016 were published) in their own right (essentially any change which affects the Special Guardians no longer being responsible for the child and benefits cease such as Child Benefit), or
  - 18.1.4 the child attains the age of 18 unless they continue in non- advanced full-time education or training and this is considered on an individual young person basis, when it may continue until the end of the course or training, they are then undertaking. Staffordshire County Council will require evidence of continued education from the provider to be submitted to the Fostering, Adoption and Special Guardianship Resource Panel where a key decision will be made to support the continuation of financial support until the end of the course.

*Note Child Benefit is only paid for 'qualifying young people under the age of 20yrs in full-time (12hrs+) non-advanced education. 19yr olds can only be included if they started such education or training before their 19th birthday.*

## **19 Urgent Matters (Regulation 19)**

- 19.1 It is important that the assessment process and follow up do not unnecessarily delay provision where a person has an urgent need for a service. Where any requirement in relation to an assessment, preparing a plan or giving notice would delay provision in a case of urgency, that requirement does not apply. The provision will need to be reviewed as soon as possible after support has been provided, in accordance with the procedures set out above

## **20 Notices (Regulation 20)**

- 20.1 Any notice required to be given under Regulation 20 must be given in writing. Where the person to whom notice is to be given is a child and it appears to the local authority that the child is not of sufficient age and understanding for it to be appropriate to give them such notice; or in all the circumstances it is not appropriate to give them such notice, the notice must be given to their Special Guardian or prospective Special Guardian or to the adult that the Local Authority considers most appropriate.

## **21 Leaving Care provision (Regulation,22)**

- 21.1 Time spent subject to a Special Guardianship Order is relevant when considering a young person's entitlement to leaving care services. Children who were looked after by a Local Authority immediately before the making of a Special Guardianship Order may qualify for advice and assistance under the Children Act, 1989, as amended by the Children (Leaving Care) Act, 2000, and the Adoption and Children Act, 2002
- 21.2 In the context of Special Guardianship Section 24(1A) of the Children Act 1989 provides that a child must
- 21.2.1 Have reached the age of 16 but not the age of 21.
  - 21.2.2 If less than 18 years old, have a Special Guardianship Order in force.
  - 21.2.3 If 18 years old or above, have had a Special Guardianship Order in force when they reached that age; and
  - 21.2.4 Have been looked after by a Local Authority immediately before the making of the Special Guardianship Order.

- 21.3 The relevant Local Authority should plan for children who meet these criteria to receive advice, befriending, assistance with needs associated with employment, education and training in the same way as for any other child who qualifies for advice and assistance under the Act, as amended. Section 24(2) of the Children Act, 1989, defines 'a person qualifying for advice and assistance'. This includes a young person aged 16 to 20 who, immediately before becoming subject to a Special Guardianship Order, was looked after by a Local Authority. The relevant Local Authority is the one that last looked after the child (Regulation 22). Depending on the service required, it may however be more appropriate for the young person to seek specific support locally where they are resident, (i.e., health care).
- 21.4 Qualifying children in Staffordshire will be entitled to 'needs – led' setting up home grant. This is subject to their assessed needs and up to a maximum of £500. This support can be accessed via Staffordshire Front Door where they will be progressed through to the relevant team and worker allocated.
- 21.5 Where a Staffordshire Child has been in our care and is moving directly on to Special Guardianship arrangements supported by SCC, their leaving care provision should be detailed within the Support Plan.
- 21.6 To support SCC children in achieving legal permanence, the Local Authority may use its discretionary powers to provide additional leaving care support where:
- 21.6.1 the child is in long-term foster care and there is a plan to secure a Special Guardianship Order with their current foster carers
  - 21.6.2 the child has been looked after by Staffordshire for more than 1 year (during the current episode)
  - 21.6.3 the child is 11 years or over at the time that the Special Guardianship Order is applied for (or part of a sibling group placed together where Special Guardianship is the plan, and the oldest child is 11 years or older). NB: No exceptions to this should be applied
  - 21.6.4 additional support is required to progress the plan and it is in the child's best interests.
- 21.5 On reaching the age of 18 years, where the young person goes onto to higher education, they will be entitled to a bursary of £2000 per year for up to a maximum of 3 years of study. This is paid in termly amounts. 22.6.3 is the relevant eligibility criteria. This can be accessed through Staffordshire Front Door requesting consideration from Team Manager Children in Our Care and Care Leavers.

21.6 In the context of Special Guardianship Section 24(1A) of the Children Act 1989 provides that a child must

21.6.1 Have reached the age of 16 but not the age of 21.

21.6.2 If less than 18 years old, have a Special Guardianship Order in force.

21.6.3 If 18 years old or above, have had a Special Guardianship Order in force when they reached that age; and

21.6.4 Have been looked after by a Local Authority immediately before the making of the Special Guardianship Order.

## 21.7 Support to the birth relatives of the child

21.7.1 The birth parents of a child who was previously looked after by the local authority, and is now subject to an SGO, are entitled to an assessment of their support needs on request.

21.7.2 Where the child was not looked after immediately prior to the SGO being made, the local authority may carry out an assessment of support needs on request. The discretion and responsibility lie with the local authority where the Special Guardian and child live.

21.7.3 In addition, the local authority may carry out an assessment of support needs at the request of any person the local authority considers having an ongoing and significant relationship with the child.

21.7.4 Where Staffordshire County Council was the authority previously responsible for a child/young person who is the subject of an SGO, the authority will seek to provide similar support services to the birth parents, grandparents and siblings of the child/young person as would be made available to them had the child been adopted. This support may include:

21.7.5 Services to enable discussion of matters relating to Special Guardianship.

21.7.6 Assistance in relation to arrangements for family time e.g., mediation.

- 21.7.7 Counselling, advice and information.
- 21.8 Requests for birth relative support post-order **should** be directed to the Fostering Permanency and Special Guardianship Support Team duty or via Staffordshire's front door.
- 21.9 Where the request is for advice and information only, this will usually be managed by the front door. The initial request should be recorded on Care Director of the individual requesting support with relevant information copied to the child's file taking care to protect confidentiality.
- 21.10 If the enquirer requires services to enable discussion of matters relating to Special Guardianship or specific assistance in relation to arrangements for family time, an appointment will usually be offered.
- 21.11 Some issues raised post-order may require mediation or support for both the Special Guardian and the birth family. In complex situations and/or where there is a clear conflict of interest, consideration will be given to separate workers for the birth and Special Guardianship families and signposting to local mediation services may also be appropriate.

## 22 Child Protection

- 22.1 Where concerns arise in working with any child/young person who is legally the subject of a SGO and/or with his special guardian(s) or where information becomes known through a third party that raises concerns in line with Section 47 of the Children Act 1989, that a child has suffered from or is at risk of suffering significant harm, the details of the matter must be shared with Staffordshire's front door who will determine where the matter should be referred on to.
- 22.2 Where a child social worker on a district team is subsequently allocated to the child or young person, there should be ongoing consultation between the child social work team and the Fostering Permanency and Special Guardianship Support Team. Where an Assessment has recently been undertaken by the Fostering Permanency and Special Guardianship Support Team and/or where there is ongoing and active involvement, the Fostering Permanency and Special Guardianship Support Team will continue to be involved in the planning as an involvement with the family and the child social work team. Where appropriate, the family will be co worked to be negotiated between the relevant managers and in consultation with the family.

22.3 Where there is no active involvement from the Fostering Permanency and Special Guardianship Support Team but where the eligibility criteria for support are met, it is recommended that the child social work team seek advice/consultation from the Fostering Permanency and Special Guardianship Support Team duty worker to assist in the planning for the child and whether a referral should be completed for allocation of a Family Practitioner.

22.4 In cases where allegations are made, or concerns arise relating to a carer/guardian the allegations/concerns process, as well as any section 47 investigation procedures, should be followed by the child's social worker and the respective team.

*Note: Section 47 investigations are not carried out on the Fostering Permanency and SGO Support Team.*

## **23 Placement Breakdown**

23.1 Where the placement of a child/young person who is the subject of a Special Guardianship Order is at risk of disruption or does disrupt, irrespective of whether Staffordshire County Council was the previous responsible authority or is the 'host authority' at the time of the breakdown, the authority will seek to work in partnership with any other local authority involved with the placement to achieve the most appropriate outcome for the child/young person.

23.2 If the circumstances surrounding the risk of or actual disruption are such that Child Protection Procedures are triggered, the local authority in whose area the family resides will be responsible for undertaking any investigations and their procedures followed. Information should be provided to Staffordshire's Front Door.

23.3 If SCC was the previous responsible authority for the child/young person, the authority will cooperate as fully as possible with any investigations initiated by the host authority.

23.4 If SCC is the host authority, they will inform the previous responsible authority of the risk of or actual disruption and seek their co-operation with any investigations where this is likely to be in the best interests of the child.

- 23.5 Where a Special Guardianship arrangement breakdown occurs, or where there are serious concerns about the stability of an arrangement, the relevant worker will complete or update their assessment as a matter of priority. The Fostering Permanency and Special Guardianship Support Team, Team Manager will be informed and will alert Staffordshire's Front Door if the family are not open to a child social work team. If the child/ren are open to a child social work team the Fostering permanency and SGO Support Team Manager will discuss with the respective team manager as to what further assessment/action is required.
- 23.6 In cases where a disruption cannot be avoided, a child subject to a Special Guardianship Order may require a placement in foster care or residential care to meet their needs. Such circumstances will be when:
- 23.6.1 All attempts to work restoratively with the family and provide intervention to maintain and support the child with his or her guardians has broken down; or
- 23.6.2 The child has been abandoned; or
- 23.6.3 The child would be at risk of [Significant Harm](#) by remaining with the guardians.
- 23.7 In such cases, the role of the Fostering Permanency and Special Guardianship Support Team social worker will need to be renegotiated as part of the plan. In cases where it is the plan for the child to return home, it is likely to be appropriate for the worker to remain involved in supporting the guardians towards this eventuality. However, if long term care becomes the child or young person's care plan or an alternative family arrangement is sought the family will be closed to the Fostering Permanency and Special Guardianship Support Team at the appropriate time.

## **24 Private Law Special Guardianship Applications**

- 24.1 These are general applications to become a Special Guardian - regarding a child who is not Looked After by the Local Authority:
- 24.2 People intending to make applications to be Special Guardians for children not Looked After must apply to the Local Authority where they are resident. Initial enquiries of this nature should be made to Staffordshire's Front Door. It is the responsibility of the Front Door to arrange for referral to the transfer to the Fostering Permanency and Special Guardianship Team alongside the district social work team for the child for completion of the assessment for court.
- 24.3 The Local Authority may also receive notice of an individual's intention to make an application for a Special Guardianship Order from solicitors acting for the applicant or from the Court directly. In these circumstances, the notice may be received by the Local Authority's Legal Services Department or the child's social work team. If the child's social work team or legal Team receives the notice it should be referred to the front door where next steps and allocation to the appropriate teams will be discussed for completion of the report for Court as above.

## **25 Making Representation**

- 25.1 In the first instance if the carer(s)/Special Guardian(s)/Prospective Special Guardian(s) wishes to make representations and appeals against a decision or wants the terms of a decision to be reconsidered within the 28 days' notice period, representations regarding financial support should go to [fosteringandadoptionresourcepanel@staffordshire.gov.uk](mailto:fosteringandadoptionresourcepanel@staffordshire.gov.uk). For representations/ appeals in relation to Special Guardianship Support this should be made to the Fostering Permanency and SGO Support Team Manager either by email [FPandSGO@staffordshire.gov.uk](mailto:FPandSGO@staffordshire.gov.uk) or by phone on 01785 895950 (Monday-Thursday 08:30–17:00 and Friday 08:30–16:30).
- 25.2 Applicants who remain dissatisfied with the decision will be entitled to use the Staffordshire County Council compliments and complaints process and they should be provided with the details or a leaflet regarding this service by the respective team involved with their SGO assessment or support plan. Families can also access this service via Staffordshire County Council's website.

## **26 Quality Assurance and Management Oversight of Special Guardianship Arrangements.**

- 26.1 The decision to provide Special Guardianship Support is sought by the practitioners respective Team Manager upon presentation of the Support Plan to the Fostering, Adoption and Special Guardianship Resource Panel where this includes an element of financial support. The respective manager acts as a quality assurance and approval mechanism and ensures the Special Guardianship Support Plan and financial assessment (where appropriate) are completed to the required standard within the required timescales.
- 26.2 In addition, the respective Team Manager provides monthly supervision to any allocated practitioner and provides and advice and support to any duty matters to be allocated on the team.
- 26.3 All assessments and support plans related to SGO are to be signed and commented upon by the respective team manager for the practitioner allocated to the family.
- 26.4 Monthly auditing of Special Guardians files is carried out by Team Mangers and Heads of Service identifying areas of good practice and key actions to improve practice and this is also an avenue in which to feedback into the overall quality assurance processes in Staffordshire. In addition, observations of practice are also carried out by Team Managers and Heads of Service in support of the audit process.
- 26.5 Fostering, Adoption and Special Guardianship Resource Panel will also through the key decision process provide advice to practitioners and managers on areas where practice that can be improved or where the presenting support plan or financial assessment have not met the required standard. This panel is chaired by the Head of Service for Adoption and Kinship or the Fostering Lead.

## **27 Version history**

### **Section 7 updated V3 updated following legal advice Nov 2024**

Superseded documents:

**27.1.1** Special Guardianship Financial Support Policy

**27.1.2** Special Guardianship Applications Guidance

**27.1.3** Special Guardianship Policy