

PORTSMOUTH CITY COUNCIL

Children's Social Care

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Title: SPECIAL GUARDIANSHIP ORDERS

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Procedures Cancelled: All previous versions of this policy

Signed:

Name: Stephen Kitchman

Designation: Director of Children's Social Care

**** PROCEDURE ****

YOU SHOULD ENSURE THAT:

- You read, understand and, where appropriate, act on this information
- All people in your workplace who need to know see this procedure
- This document, if printed off and is properly filed in a place to which all staff members in the workplace have access
- You are aware that only the version of the policy found on Tri-X is guaranteed to be the most recent issue

Purpose

This document provides policy and procedural guidance for team managers and case workers who may be involved in securing permanence for a child or young person through the mechanism of a Special Guardianship Order.

Scope

This document applies to all Children's Social Care and Safeguarding (PCC) staff working with children for whom permanency outside of the birth family is an option.

This policy needs to be read in the context of a range of permanent or long term family placement arrangements which can be made for children and young people who are unable to live with their birth parents. These options include kinship care, private fostering, Child Arrangement Orders, adoption or local authority long term fostering. Particular attention should be given to considering the appropriateness of a Special Guardianship Order over an Adoption Order and vice versa. For specialist advice around adoption the Adoption Service should be consulted.

Policy

Our policy is to work with service users, the wider community and partner agencies and organisations to achieve best possible outcomes for children in need through providing or commissioning services which:

- support the upbringing of children in their own families;
- where this is not possible, provide stable, safe and effective alternative care at the right time and for the right length of time; and which
- are responsive to individual needs, circumstances and choice and are based on evidence of what works for service users.

Within this context, PCC will place children's needs and our aspirations for them at the centre of our policies, procedures and practice.

In respect of special guardianship PCC recognises that permanence secured by means of a court order is the best option for many children. Accordingly we will seek to actively promote special guardianship for those looked after children for whom Adoption is not appropriate and will support kinship carers in pursuing this option in appropriate cases.

References to legal, central Government and other external documents

- The Children Act 1989
- The Fostering Recruitment and Children Act 2002
- The Children (Leaving Care) Act 2000
- The Special Guardianship Regulations 2005
- Special Guardianship Guidance (DfES 2005)

Portsmouth City Council references etc.

- PCC Permanency Panel Policy
- PCC Care Management Policy
- PCC Looked After Children Policy
- PCC Fostering Recruitment Policy
- PCC Staying Put Policy

Definitions/Abbreviations

- PCC – Portsmouth City Council
- ECM – Every Child Matters
- SGO – Special Guardianship Order

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- PCC – Children's Social Care
- FSSW – Fostering Support Social Worker
 - FAB Team - Financial Assessment & Benefits Team

Delegation

Team Managers are responsible for ensuring that their teams are aware of and work to this procedure.

Authority to vary procedure

Director of Children's Social Care

SPECIAL GUARDIANSHIP ORDERS

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SPECIAL GUARDIANSHIP ORDERS POLICY AND PROCEDURE

1. Introduction

1.1 *Background*

- 1.1.1 Research suggests that whilst there is no clear difference in disruption rates between adoption and long-term fostering when age is taken into account, there are indications that children generally prefer the sense of security that adoption gives them over long-term foster placements. However, research also indicates that there is a significant group of children, mainly older children, who do not wish to make the absolute legal break with their birth family that is associated with adoption.
- 1.1.2 Special guardianship has been introduced to address this through providing an alternative legal status for children that offers greater security than long-term fostering but without the absolute legal severance from the birth family that stems from an Adoption Order.
- 1.1.3 Likewise, some minority ethnic communities have religious and cultural difficulties with Adoption as it is set out in law. Unaccompanied asylum-seeking children may also need secure, permanent homes, but have strong attachments to their families abroad. Children and young people in these circumstances deserve the chance to enjoy the benefits of a legally secure, stable relationship and special guardianship changes the law to reflect this religious and cultural diversity.
- 1.1.4 Special guardianship is intended to provide legal permanence for those children for whom long term fostering/adoption is not appropriate. It should: give the special guardian clear responsibility for all aspects of caring for the child and for taking the decisions to do with their upbringing. The child will no longer be looked after by the local authority;
- provide a firm foundation on which to build a lifelong permanent relationship between the child and their special guardian;

- be legally secure;
- preserve the basic link between the child and their birth family; and be accompanied by access to a full range of support services including, where appropriate, financial support.

1.2 Key Principles, Aims and Objectives

1.2.1 The needs of the child will always be the paramount consideration in any plan for permanency. With special guardianship, the aim is to give the child the particular sense of security that comes from having their placement secured by means of a legal order with the objective of securing the best possible outcomes for the child.

2. The Legal Framework

2.1 General

2.1.1 The Adoption and Children Act 2002 provides the legal framework for special guardianship under the Children Act 1989. Section 115(1) of the 2002 Act inserts new Sections 14A-F into the Children Act 1989. The new sections provide for:

- who may apply for a special guardianship order;
- the circumstances in which a special guardianship order may be made;
- the nature and effect of special guardianship orders; and
- support services for those affected by special guardianship.

2.1.2 When considering whether to make a special guardianship order the welfare of the child will be the court's paramount consideration and the welfare checklist in Section 1 of the Children Act 1989 is applied.

2.2 Persons who may apply for an SGO

2.2.1 Applications can be made individually or jointly by two or more people and applicants have to be over 18 years old. The parent of a child cannot become a special guardian. The court may make a special guardianship order in respect of the child on application from:

- Any guardian of the child;
- A foster carer with whom the child has lived for 1 year immediately preceding the application;
- Anyone who holds a Residence Order/Child Arrangement Order or who has the consent of all those with a Residence Order/Child Arrangement Order;
- Anyone with whom the child has lived for 3 years out of the last 5 years;
- Where the child is in the care of the local authority, anyone who has the consent of the local authority;
- Anyone with consent of all those with parental responsibility; and
- Anyone else including the child with leave of the court.

2.3 *The circumstances in which an SGO may be made*

- 2.3.1 Most applications will be private law applications but the court may also make a special guardianship order in any family proceedings concerning the welfare of the child if they consider an order should be made. This applies even where no application has been made and includes Adoption proceedings.
- 2.3.2 Before making a special guardianship order the court must consider whether to vary or discharge any Section 8 order, which could include a contact or a residence order. The court should also consider whether or not a contact order should be made at the same time as the special guardianship order.
- 2.3.3 The special guardianship order remains in force until the child is 18 years old.

However, special guardianship orders can be varied or discharged on the application of:

- the special guardian;
- the local authority in whose name a care order was in force with respect to the
- child before the special guardianship order was made;
- anyone with a residence order for the child before the special guardianship
- order was made; and
- with leave of the court:

- the child's parents or guardians;
- any step parent who has parental responsibility
- anyone who had parental responsibility immediately before the special guardianship order was made; and
- the child (if the court is satisfied that the child has sufficient understanding).

Where the applicant is not the child, the court will only grant leave if there has been a significant change in circumstances since the order was made.

2.3.4 Any person who wishes to apply for a special guardianship order must give three months written notice to the local authority of their intention to apply. The only exception to this is where a person has the leave of the court to make a competing application for a special guardianship order where an application for an adoption order has already been made. This is in order to prevent the competing application delaying the adoption order hearing.

2.4 *Nature and effect of SGOs*

Parental Responsibility

2.4.1 The intention of the SGO is that the special guardian will have parental responsibility for the child and clear responsibility for all day to day decisions about caring for the child/young person and his/her upbringing. The basic legal link between the child and his/her birth parent(s) is retained but their ability to exercise their parental responsibility is limited. Subject to any later order, the special guardian may exercise parental responsibility to the exclusion of all others with parental responsibility, apart from another special guardian (except in circumstances where the law provides that the consent of more than one person with parental responsibility is required e.g. the sterilisation of a child).

The special guardian must take reasonable steps to inform the parents if the child dies.

The parents:

- retain the right to consent or not to the child's adoption or placement for adoption
- may apply to the Court for contact.

At the same time as making a SGO the Court may also give leave for the child to be known by a new surname and/or give permission for the child to be taken out of the UK for a period(s) of longer than three months. Where this has not happened, while the SGO is in force, the written consent of every person who has parental responsibility for the child or the leave of the Court must be obtained:

- to cause the child to be known by a different surname
- to remove the child from the United Kingdom for any period(s) of longer than three months.

The special guardian will have responsibility for all the day to day decisions in relation to that child. The aim is to provide legal stability for the child whilst the parents remain the child's legal birth parents. The special guardian can make all of the decisions for that child except where the law requires the consent of more than one person with parental responsibility (e.g. sterilisation) and those situations stated above.

2.5 *Special guardianship support services (see also Section 5 below)*

2.5.1 Under Section 14F of the Act, as amended, the local authority must make arrangements for the provision in their area of a range of special guardianship support services. Special guardianship support services are defined as:

- services to enable groups of children for whom a special guardianship order is in force or in respect of whom is being formally considered, special guardians and prospective special guardians, and parents of the child to discuss matters relating to special guardianship (regulation 3(1)(b));
- assistance, including mediation services, in relation to contact between the child and their parents or relatives or any other person with whom the child has a relationship that the local authority considers to be beneficial to the welfare of the child (regulation 3(1)(c));
- therapeutic services for the child (regulation 3(1)(d));
- assistance for the purpose of ensuring the continuance of the relationship between the child and his special guardian or prospective special guardian, including training for the special guardian or prospective special guardian to meet any special needs of the child; respite care; and mediation in relation to matters relating to special guardianship orders (regulation 3(1)(e));

- counselling, advice and information (Section 14F(1)(a) of the Act); and
- Financial Support (regulation 3(1)(a)).

3. The Application Process

3.1 *General considerations*

3.1.1 Where the local authority has received notice from a prospective applicant(s) or a request from the Court, it will send information to the prospective special guardian(s) and to the parent(s) of the child in question about how it proposes to undertake the necessary assessment and to prepare the Court report. Information will be provided about Special Guardianship Support Services by the Connected Person's Support Worker and how an assessment of need for Special Guardianship Support Services can be requested by the prospective special guardian(s)/the birth parent(s)/the child. In all cases, the carers will be expected to access universal benefits in the first instance as the Local Authority cannot duplicate or replace state benefits. Before considering taking on a commitment to a child, carers can access information from the Local Authority about the level of support, that they may be offered. In exceptional circumstances there may be access to financial support.

As stated above, the Court may also make a SGO in any family proceedings concerning the welfare of the child. This applies even where no application has been made and includes adoption proceedings. The welfare of the child is always the Court's paramount consideration in such cases. The Court does not have to give three months' notice and the local authority is obliged to respond to the Court's request for an investigation. The Court cannot make a SGO without a Special Guardianship Report (CA 1989 S14A (11)).

On receipt of such a notice, or if the court makes a request, the local authority must investigate and prepare a report to the court about the suitability of the prospective special guardians (see Section 4 below). The content of the report is governed by Regulation 21 of the Special Guardianship Regulations 2005 and the schedule attached to those regulations. The schedule is very clear about the content of the report and the matters that must be covered. The report will need to include details of any special guardianship support services that will be provided to the family.

3.1.2 Basically (court directed SGOs excepted) there are three sets of circumstances through which special guardianship notifications may arise. These are:

(i) the child is not looked after and not known to the service (i.e. is not and has not recently been an open case) (see 3.2 below);

(ii) the child is not looked after but is an open case (e.g. a kinship placement, child in need, private fostering) (see 3.3 below); and

(iii) the child is looked after (see 3.4 below).

Whilst the notification and court report requirements are common to all three of these situations, there are differences in the detail of how they should be managed and each circumstance is dealt with separately below.

3.1.3 In considering an application and preparing a report, particular emphasis should be given to establishing the child/young person's understanding of what special guardianship means and their commitment to the arrangement. This should include establishing the child/young person's understanding of why they are not able to be cared for within their birth family and their acceptance of being cared for by the prospective special guardian(s).

3.1.4 Similarly, particular emphasis must be put on establishing the prospective special guardian's understanding of what being a special guardian means and their commitment to the child / young person throughout their childhood and beyond. A key issue to be explored is the prospective special guardian's understanding of and support for any proposed contact between the child / young person and his / her birth family.

3.2 *The process when the child is not known to the service*

3.2.1 Notifications will normally be dealt with by the Multi Agency Safeguarding Hub (MASH) Team. The details of the child will be checked and entered on CCM and passed to the Fostering Recruitment Team for a Connected Person's Assessment Worker to undertake an assessment of the prospective carers. The MASH Team must ensure that the criteria is met for applying for an SGO before they send to the Fostering Recruitment and Assessment Team to allocate for assessment - if the criteria is not met those sending in notification should be informed and advised to seek legal advice

- 3.2.2 On receiving the request for a report to be prepared, the Fostering Recruitment Team Manager will allocate an appropriate worker to the case who will seek to complete the report for the court within three months of the referral being received. The prospective special guardian(s) should be given a timetable for completion of the work.
- 3.2.3 If, during the preparation of the report, any significant concerns arise these should be discussed with the Fostering Recruitment Team manager in the first instance who will decide if the case should be referred back to the MASH Team as a safeguarding or child in need concern. The subsequently allocated PAC / FST Team will undertake a Single Assessment and take appropriate action.
- 3.2.4 Assuming that PCC supports the application, the prospective special guardian(s) should be notified of this and given a timetable for completion of the work. The process for completing the report is covered in Section 4 below.
- 3.2.5 If the assessment is not positive and PCC are not supporting the application, the worker will contact the Legal Department to discuss and consider support that may be required for the social worker when the case is presented to Court.

3.3 *The process when the child is an open case but not looked after*

- 3.3.1 Notifications in these circumstances could be made unsolicited or with the knowledge and cooperation of the social worker. Where they are made with the prior knowledge of the social worker (i.e. as part of the permanency plan for the child) it is expected that the decision to apply for a special guardianship order will be made with the full involvement of all key individuals, including anyone who has parental responsibility for the child, the child themselves if of sufficient age and understanding and the current carers.
- 3.3.2 In the event of an unsolicited application, a professionals' meeting should be convened by the case holding team to formally consider PCC's position in respect of the application. Legal Services should be invited to this meeting. If the application is felt to be in the best interests of the child then the child in need plan will need to be amended to reflect the change in

circumstances brought about by the application and the process outlined at 3.3.4 below will apply.

3.3.3 Where the application is not felt to be in the best interests of the child (i.e. in circumstances where PCC will not support the application) this decision must be conveyed to the applicant(s) and the reasons for it explained. If the applicant(s) are unwilling to change their mind and consider alternative plans then the process outlined at 3.3.4 below will apply.

3.3.4 All assessments and plans involving special guardianship will be presented to the Permanency Panel whose advice may be used to inform specific areas of the work to prepare the report for the court. Where presenting the Assessment and plan to the Panel might lead to unreasonable delay in progressing the application, the preparation of the report may commence in advance of presenting to Panel.

3.3.5 The preparation of the special guardianship report will be carried out by the Fostering Recruitment Team, with the sections on the child and birth family being completed by the child care team. It is therefore important that where consideration is being given to special guardianship as a permanency option, the Fostering Recruitment Team is involved from the outset to ensure that when the team receives the request for a special guardianship report, they are able to allocate the work in an appropriate and timely fashion. It is the responsibility of the Team Manager responsible for the case to ensure that the Fostering Recruitment Team receive appropriate and timely notification in these circumstances, and that the "child and birth parents" section of the BAAF Form C are completed promptly.

3.4 *The process when the child is looked after by PCC*

3.4.1 It is possible for a foster carer (either a PCC approved carer or an IFA carer) who has been looking after a child for more than a year to make an application in their own right without prior discussion with the social worker. If this occurs the process outlined at paragraphs 3.3.2 to 3.3.4 above will apply.

3.4.2 Under normal circumstances notifications will be received in the context of a known plan for the child. This plan will normally be discussed and

agreed at a LAC review prior to formal notification being made by the carer of their intention to apply for special guardianship. The plan will also have been presented to the Permanency Panel who may advise on specific areas for consideration in preparing the report for court. The Permanency Panel will be particularly concerned to understand the child / young person's and prospective special guardian's positions as outlined in paragraphs 3.1.3 and 3.1.4 above, as well as the views of any persons with parental responsibility.

3.4.3 In the case of PCC approved carers, the special guardianship report will be prepared by the Child's social worker and the Fostering Support Social Worker for the carer.

3.4.4 In the case of IFA carers, it may be the case that the carer transfers to PCC as per the Fostering Network Transfer Protocol prior to formally notifying PCC of their intention to apply for special guardianship. In these circumstances, the social worker for the child and the Fostering Support Social Worker will be responsible for producing the special guardianship report. PCC will match the allowance and fee element paid to carer for the children in placement or at their assessed PCC Skills Level, whichever is higher. New placements will be paid in line with the carers assessed PCC skill level.

3.4.5 Where the prospective special guardian(s) is an IFA carer who chooses to remain with their agency there will need to be a meeting between the Team Manager for the child and the agency to agree how to proceed with the preparation of the report. The process may involve the IFA working in collaboration with the social worker to prepare the report. If an SGO has been determined as the best option for meeting the child's needs for permanency it would be reasonable to expect that the IFA would cooperate with the plan and support it jointly with PCC. PCC will allocate a dedicated Connected Person's support worker to the carers, and support will be offered for a period of 3 years as per the current guidance (excluding financial support).

The Connected Person's Support Worker will provide the IFA with the annual SGO Needs Assessment and keep the IFA informed of any significant events

PCC will pay IFA carers the equivalent of their carers fee for a period of two years, when it will cease. If the Director of Children's Social Care agrees for payments to continue beyond this time (in exceptional

circumstances) due to the child's needs, this will be at the PCC Standard level for SGO carers / foster carers and will be Means tested annually.

The IFA will not be paid any fee, however the SGO carer would not be restricted from continuing their fostering career if appropriate (and if space allows).

4. The Special Guardianship Report

4.1 *Areas to be covered in the Special Guardianship Report*

4.1.1 The areas to be covered in the special guardianship report are set out in Appendix 1 of this procedure. Basically the report provides information to the court concerning the prospective special guardian(s) and their suitability to be special guardians for the child; and on the needs and circumstances of the child and the appropriateness of the proposed special guardianship order in terms of meeting these needs. PCC use the BAAF Form C Connected Persons Assessment Tool (modified by PCC) to complete the SGO assessment.

4.2 *Completion of the Special Guardianship Report*

4.2.1 Where the preparation of the report is being undertaken jointly (as variously described in Section 3 above) the allocated social worker for the child will be deemed the “lead professional” responsible for co-ordinating the work. Whilst there are no rigid guidelines in terms of who covers which aspects of the work and this should be agreed and recorded prior to the work starting, the following summarises the generally expected division of the tasks:

- where the child is not looked after – the social worker for the child focuses on those sections of the report relating to the child and birth family, and the Fostering Recruitment Team worker focuses on those aspects pertaining to the prospective special guardian(s); and
- where the child is looked after – the FSSW for the carers focuses on those sections of the report pertaining to the prospective special guardians (drawing from the Form F as appropriate) and the social worker for the child focuses on those aspects relating to the child and birth family, (drawing on single assessments etc. as appropriate).

4.2.2 Where two workers are working on the preparation of a report, the team manager for the lead worker will be responsible for ensuring the report is completed within agreed timescales.

- 4.2.3 If ongoing support (either financial and / or other forms of support such as continuing social care involvement, therapy etc) is proposed post the granting of the SGO, this should be detailed in a separate 'Special Guardianship Support Plan' appended to the main report (see sub-section 5.3 below). The responsibility for producing the support plan lies with the Connected Person's Support Workers.

Medical and Statutory Checks

Any child/children who is the subject of the Special Guardianship application (and was previously looked after) should have full medicals completed by their own GP(s) in good time for the medical reports to be available to the Court when the application is considered. The BAAF Medical Form, IHA – Children/Young Person, should be completed in respect of the child and a Form AH completed in respect of each prospective special guardian.

Standard references and statutory checks in respect of each prospective special guardian and any other adult members of the household must be taken as per the Fostering Regulations and Connected Persons Assessment Guidance. These will include written references from at least three personal referees who should also be interviewed.

Enhanced DBS checks must be obtained on all members of the household aged 18 years and older.

Where appropriate the Special Guardianship Support Plan should be included with the report to the Court.

4.3 Attending court

- 4.3.1 Workers involved in preparing the report should be available to attend court if required. If the case is contentious (e.g. PCC is not supporting the order or the SGO application is contested), advice must be sought from Legal Services.

5. Special Guardianship Support Services

5.1 General

PCC recognises that the Adoption and Children Act 2002 and the Special Guardianship Regulations 2005 place a duty on every local authority to establish and maintain a range of support services in their area designed to meet the needs of people affected by Special Guardianship.

The authority is committed to providing the full range of services that local authorities are required by regulations to provide. These services are:

- services to enable groups of children for whom a SGO is in force or being considered, their parents and special guardians or prospective special guardians, to discuss matters relating to Special Guardianship (SGR 3(1)(b))
- assistance, including mediation services, in relation to contact between the child and his/her parents or relatives or any other person with whom the child has a significant relationship which is beneficial to the child (SGR 3(1)(c))
- therapeutic services for the child (SGR 3(1)(d))
- assistance to ensure continuance of the relationship between the child and his special guardian or prospective special guardian, including training for the special guardian to meet any special needs of the child, respite care and mediation in relation to matters relating to SGO's (SGR 3(1)(e))
- counselling, advice and information
- financial support (SGR 3(1)(a)) (financial support is only available in certain situations – see section 6 below).

While the council will seek to ensure provision of the full range of services, the authority may make arrangements for the services to be provided by others; either voluntary adoption agencies or independent providers of Adoption and Special Guardianship Support Services.

Where appropriate the authority will provide services that reflect those provided to adopted children, their adoptive parents and their birth parents.

The authority is committed to providing Special Guardianship Support Services as part of an overall integrated service for all child(ren) and families who are engaged with the children's services and in the context of the local preventive strategy – it is essential that children who are subject to SGOs and their families also have access to mainstream services available to child(ren) and families with particular needs.

Regulation 3(2) provides that services may include assistance in cash where the local authority considers this appropriate, for example, a one-off payment for childcare or petrol money. Such one-off payments provided as part of a service rather than as on-going support will not be means tested.

Regulations 3(3) requires that if respite care consists of the provision of accommodation provided by or on behalf of the local authority, this must be provided under section 23 of the Children Act 1989 (accommodation of Looked After Children). This means that the child concerned must be 'looked after' for

the duration of the respite care and any foster carer providing respite care has to have been approved under the Fostering Regulations 2011.

5.1.1 The local authority where the special guardian lives is normally responsible for undertaking the assessment of the need for and provision of any support services in response to that assessment. The exception is where the child was looked after before the SGO was made, in which case it is the authority that was looking after the child that is responsible, irrespective of where the special guardian lives.

5.1.2 Where the child was looked after before the SGO was made, the authority that was looking after the child is also responsible for the ongoing assessment and provision of services to the special guardian, the child and any child of the special guardian for at least three years from the date of the order (SG Regulation 5). After this time, responsibility for assessment and provision of services falls to the local authority where the special guardian is living **but** the original local authority **may** continue to provide services beyond three years and **must** continue with any ongoing financial support agreed before the SGO was made.

5.2 *Assessment*

5.2.1 In the case of children who are looked after (or were looked after immediately prior to the making of an SGO) the local authority **must** carry out an assessment at the request of:

- the child;
- the special guardian or prospective special guardian;
- a parent.

5.2.2 In other cases the local authority **may** carry out an assessment at the request of:

- the child (where not previously looked after);
- the special guardian or prospective special guardian;
- a parent (where the child is not looked after);
- a child of a special guardian (whether the special guardianship child is looked after or not);
- any person whom the local authority considers to have a significant and on-going relationship with a child (whether the child is looked after or not).

- 5.2.3 In the circumstances described in 5.2.2 above, if the decision is not to carry out an assessment for support services, then the reasons for this must be given in writing to the person making the request and they must be given at least 28 days to make representations in relation to the decision.
- 5.2.4 It will not always be necessary to carry out an assessment before providing support in terms of advice, counselling or information. Assessment will normally be required for any of the support services described in 2.5.1 above although where a request for assessment relates to a particular service, the assessment may focus on the specific service being requested if it appears that this is what is required.
- 5.2.5 Where it has been determined that an assessment will be carried out, it will be undertaken by a Connected Person's Support Worker in conjunction (where appropriate) with a worker from a PACT Team.
- 5.2.6 The regulations and guidance set out the areas to be considered by the assessment (as far as they are appropriate to the particular assessment being carried out - see Appendix 2). These broadly mirror the domains of the Assessment Framework and staff carrying out assessments will need to be familiar with the Framework and the BAAF Form C Connected Person's Assessment Tool.
- 5.2.7 The regulations and guidance are also clear that assessments for special guardianship support services should dovetail with other assessments under way or recently carried out, to avoid the need for a number of assessments to be carried out at the same time.

5.3 Support Plans

- 5.3.1 In line with 4.2.3 above, it is expected that a support plan will be produced as part of the process of producing the report for the Court if ongoing involvement (either financial or service provision or both) is to be provided after the order has been made. Support Plans are also made in the context of ongoing special guardianship arrangements.
- 5.3.2 In all cases, prior to sharing them with the prospective / existing special guardian, proposed support plans must be agreed by Commissioning Manager as budget holder for the Special Guardianship Support budget.

The Connected Person's Support Worker will be responsible for liaising with the guardian / prospective guardian over formally agreeing and accepting the plan.

The completed SGO Assessment and Support Plan (if completed) should be presented to the Permanency Panel

- 5.3.3 The process involved in drawing up a special guardianship support plan is similar to that involved with an Adoption support plan. The special guardianship support plan document (see Appendix) mirrors the Adoption support plan and in cases where it is being produced alongside the court report, will need to be completed with the prospective special guardian(s) providing written confirmation to PCC that they accept the plan prior to the court hearing in respect of their application.
- 5.3.4 The regulations suggest that a period of up to 28 days should be provided to allow the prospective special guardians to make any representation in relation to the plan. Details of sources of independent advice and advocacy should also be provided to the special guardian(s) with the plan.
- 5.3.5 Post the granting of an SGO, the SGO carer can contact the MASH Team and request an assessment for support. This request will be passed on to the Manager of Connected Person's Support Worker, who will decide if an assessment will be carried out. Where a plan is produced as a result of an assessment carried out after the SGO was granted, the plan will detail the outcome of the assessment, the services to be provided, the time-scales for the provision of the services and the procedure for review. The plan will be monitored by the Connected Persons Support Worker.
- 5.3.6 The support plan agreed at the time of making the order may be amended or new plans put in place in response to subsequent requests for assessment.
- 5.3.7 It will not normally be necessary to produce a support plan where the support being provided is one-off or short term in nature (e.g. advice and guidance or a single payment/short term financial support). However, any financial support must still be agreed by a Commissioning Manager.

The local authority in whose area the family resides and any services/ organisations identified in the support plan should be contacted and asked

to contribute to the overall support plan (prior to the granting of the order). They should all be provided with a copy of the plan.

Prior to the granting of the SGO a Connected Person's Support Worker will be identified to take over responsibility for supporting the placement post order.

Following the granting of the SGO the child's previous social worker should complete a final visit (unless a supervision order has been granted in conjunction with the SGO in which case he/she will continue to hold responsibility for the supervision of the placement while the order is in force). The allocated Connected Person's Support Worker should also be present for this visit.

Following the visit the child's previous social worker should formally write to the special guardian(s) confirming that as the SGO has been granted: she/he will no longer be visiting (or if a supervision order remains in place the pattern and purpose of his/her future visits).

The child's previous CLA file will be closed.

Following the granting of the SGO the child's previous CLA file will be closed (by the child's social worker) and a Special Guardianship support file will be opened in the carers name (by the Fostering Administrative Support Team).

The child will be linked to the carers and the Connected Persons Support Worker on CCM.

Note: The electronic file for the carer must not contain recording about the child and the electronic file for the child must not contain recording that relates to the carer

6. Financial Support

6.1 General considerations

6.1.1 The guidance is clear that financial issues should not be the sole reason for a special guardianship arrangement failing to survive. The regulations set out the circumstances in which financial support may be paid to a special guardian / prospective special guardian. These are:

a) where it is assessed as necessary to ensure that the special guardian or prospective special guardian can look after the child;

- b) 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;
- c) where the local authority consider that it is appropriate to contribute to any legal costs, including court fees, of a special guardian or prospective special guardian associated with:
 - (i) the making of a special guardianship order or any application to vary or discharge such an order
 - (ii) an application for an order under Section 8 of the Act (a contact order, a prohibited steps order, a residence order or a specific issue order)
 - (iii) an order for financial provision to be made to or for the benefit of the child; and
- d) where the local authority consider 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, alterations to and adaptations of the home, provision of means of transport, and provision of clothing, toys and other items necessary for the purpose of looking after the child.

The decision to provide financial support will be made by the Commissioning Manager for LAC.

*See SGO Procedures for criteria and decision making process.

- 6.1.2 Payment of financial support under (b) is intended to cover circumstances 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 particular condition.
- 6.1.3 Financial support paid under (c) is payable 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, where the local authority consider this to be appropriate.
- 6.1.4 In many special guardianship arrangements, contact between the child and their relatives or others with whom the local authority consider the child to have a beneficial relationship is very important. Where assistance

with travel costs is required this may either be given in cash under SGR 3(1)(b) or, if such costs are on a recurring basis, as part of any financial support provided under regulation SGR 6(2)(b) to support the arrangements for ensuring the special guardian can look after the child.

6.1.5 Financial support ceases to be payable to a special guardian or prospective special guardian when the earlier of the following events occur:

- the child ceases to have a home with him/her;
- the child ceases full time education or training and commences employment;
- the child qualifies for Income Support or Job Seeker's Allowance in his/her own right; or
- the child attains the age of 18 unless he / she continues in full time education or training, in which case support may continue until the end of the course or training being undertaken.
- Two years have elapsed since the making of the SGO (unless previously agreed by the Director of Children's Social Care)

6.1.6 Where financial support is to be paid periodically (e.g. a weekly allowance) as determined by a FAB Assessment, it is not payable until the special guardian agrees to the following conditions (implemented and monitored by the FAB Team):

a) that they will inform the local authority immediately if:

- they change their address
- the child dies
- any of the changes mentioned in 6.1.5 above; or
- there is a change in their 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

b) that they will complete and supply the local authority with an annual statement as to the following matters:

- their financial circumstances;

- the financial needs and resources of the child; and
- their address and whether the child still has a home with them.

6.1.7 The local authority may place its own conditions on financial support it provides and suspend or terminate it if the conditions are not met and seek to recover all or part of the money. However, if the condition to supply an annual statement as described at 6.1.6 (b) above is not complied with, no steps may be taken to suspend, terminate or recover the payment until a written reminder has been issued and 28 days have passed since the reminder was issued. The manager of the Connected Person's Support Worker, in liaison with the Commissioning Manager for LAC, will be responsible for decisions regarding termination of financial support.

6.2 *Assessment for financial support (general)*

6.2.1 The guidance states that it is important to ensure that special guardians are helped to access benefits to which they are entitled as financial support paid under the Special Guardianship Regulations cannot duplicate any other payment available to the special guardian or prospective special guardian. Therefore, in carrying out an assessment of the financial support needed, it will be necessary to ensure that the special guardian or prospective special guardian is aware of, and taking advantage of, all benefits and tax credits available to them.

6.2.2 The regulations require that 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 as a result of becoming a special guardian of the child.

6.2.3 When considering providing financial support the local authority will normally consider the special guardian or prospective special guardian's means and in doing so should consider:

- a) the special guardian or prospective special guardian's financial resources (which should include significant income from any investments, but not their home) including any tax credit or benefit, which would be available to them if the child lived with them. This is consistent with the fact that financial support for special guardians is disregarded for the purpose of calculating income related benefits and tax credits;

b) the amount required by the special guardian or prospective special guardian in respect of his reasonable outgoings and commitments, e.g. housing and transport costs, and daily living expenses (but not outgoings in respect of the child); and

c) 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).

6.2.4 The local authority **may** disregard means when considering financial support in respect of:

- The initial costs of accommodating a child who has been looked after by the local authority.
- Where a payment made is of the nature of a 'settling-in grant'.this would not normally be means tested. However a means test might be appropriate to assess any contribution to an adaptation to the home;
- Recurring costs in respect of travel for the purpose of visits between the child and a related person with whom they have contact (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 contact for the child with a sibling, they can achieve this by not means testing payments to support the arrangement;
- Any special care referred to in 6.1.1 (b) above which requires a greater expenditure of resources than would otherwise be the case because of their illness, disability, emotional or behavioural difficulties, or the consequences of their past abuse or neglect in relation to a child who has previously been looked after by the local authority. This allows the local authority to provide a financial package for a particular child to facilitate the making of a special guardianship order.
- Where, in exceptional circumstances, they are considering including an element of remuneration in financial support payments to ex-foster carers so that the local authority can (if it deems appropriate) maintain the amount paid to a foster carer who goes on to become a special guardian for the transitional period.

6.2.5 Means **must** be disregarded when consideration is being given to providing financial support in respect of the legal costs (including court

fees) of making an application to court in respect of a looked after child where the local authority is in support of the application. Similarly means must be disregarded in considering financial support to meet legal and court costs involved in varying or discharging an order made in respect of a child previously looked after. In either circumstance cases will need to be judged on the situation at the time and an arrangement made with the special guardian to confirm the local authority's contribution. No commitment to providing financial support in these circumstances can be made without first discussing the case with the Commissioning Manager for Looked After Children.

- 6.2.6 Where a means test is required in the circumstances described above or as part of the assessments for financial support described below, this will normally be carried out by the FAB Team. Requests for means tests must be accompanied by the referral which in turn must be endorsed by the relevant Team Manager.
- 6.2.7 Any decision to disregard means in the circumstances described in 6.2.4 above must be made by a senior manager and the reasons for it clearly recorded.

6.3 *Assessment for financial support (looked after children)*

- 6.3.1 Where the application for special guardianship is supported by the local authority, assessment for financial support will be based on the principle that foster carers (including friends and family carers) should not be financially disadvantaged as a result of applying for special guardianship in respect of a child they are looking after.
- 6.3.2 Foster carers will be receiving either allowances in respect of the child (i.e. fostering allowances in the case of foster carers) or a fee element (i.e. in respect of the skill fee components) or a combination of both. Remuneration will not normally be paid as part of the financial support package, unless agreed by the Director of Children's Social Care (in exceptional circumstances- see attached criteria). Foster Carers may receive transitional protection to their financial support for the two year period following the commencement of the Special Guardianship order, where the decision is taken prior to the making of the order and PCC consider it necessary in order to facilitate arrangements for a person to become a special guardian.

6.3.3 Other allowances in respect of the child (e.g. child benefit and working tax credit) that the carer will be eligible for once the order is granted must be taken into consideration so that when added together, the total of all allowances accruing for the child does not exceed the maximum payment the local authority would have been making had the child remained looked after. The maximum weekly payment in the case of a foster carer should be calculated on the basis of the weekly rate for the child as set out in the annual 'scale of allowances' document.

6.3.4 Subject to the conditions laid out in 6.1.5 and 6.1.6 above and to any other conditions made under 6.1.7, PCC will normally commit to maintaining regular payments to foster carers (at the Fostering Allowance Level 1 rate) for a period of two years following the granting of the SGO. In the case of an IFA carer who has chosen to remain with their agency, the expectation is that these payments will only encompass the carer's element of the agency fee and the full agency fee will cease on the granting of the SGO.

In exceptional circumstances, the Director of Children's Social Care can give agreement to the continuing payment of the SGO allowance for the duration of the placement (or any other appropriate period). The Means test will still apply. A request for this to be considered should be made by the child's social worker as part of the SGO Support Plan. The reasons, rationale and costings should be presented in a business case attached to the Support Plan for consideration. The decision will be communicated in writing by the Connected Person's Support Worker within 14 working days. Requests after the granting of the SGO will be made by the Connected Person's Support Worker following the above process.

6.3.5 In the event that the carer is in the position of having to repay tax credits, the means test will be based on the tax credit the carers should be receiving rather than the tax credit that they are actually receiving.

6.4 *Assessment for financial support (children known to PCC but not looked after)*

6.4.1 As stated at 5.2.2 above, PCC has no specific duty to carry out assessments for post SGO support where the child is not looked after or was not looked after immediately prior to the making of the SGO. However, it is likely that an assessment will be required in cases where

PCC has been influential in the arrangements for making the placement (e.g. kinship care) and in the plan for seeking an SGO.

- 6.4.2 In these cases, financial support may be considered either as one off payments to assist with making the placement (such as help with legal fees) or as ongoing support – e.g. where the placement was already being supported through regular Section 17 payments.
- 6.4.3 The means test in these cases will be based on the same principle as for foster carers – i.e. that the prospective special guardian should be no worse off as a result of the order being granted. The calculation of the weekly allowance will take into account any new 'income' accruing as a result of the order being made and the actual weekly payment will be the difference between that income and the payments being made under Section 17 if these are greater.
- 6.4.4 Regular payments agreed in these circumstances are subject to the same conditions as regular payments to foster carers.
- 6.4.5 In any case, the commitment will be for a maximum period of two years at the end of which the payments will cease, unless agreement has been given for them to continue by the Director of Children's Social Care. (see 6.3.5)
- 6.4.6 Regular payments to support special guardianship in these cases may only be made with the approval of a senior manager and in consultation with the Connected Person's Support Worker's Manager.

Financial support for Child Arrangement Orders is discretionary and will be considered on a case by case basis, following a request and a Single assessment. (See SGO Procedures)

6.5 *Setting up regular financial support*

- 6.5.1 Once appropriate agreements have been given for provision of regular financial support, the process outlined in Appendix 4 should be followed for setting up the payments. This process is intended for circumstances

where the plan is to continue regular financial support (e.g. for foster carers in receipt of fostering allowance) after the order is granted.

- 6.5.2 For one-off payments a referral (countersigned by the relevant Team Manager) should be sent to the Commissioning Manager for Looked After Children. The Commissioning Manager for Looked After Children will discuss the referral with the FAB team and, if appropriate, the FAB team will request financial information from the special guardian to further assess the situation.

7. Reviews of Special Guardianship Support Plans

7.1 *General considerations*

- 7.1.1 Regulation 17 requires the local authority to review support plans on a regular basis. This should be at least annually or more frequently if there is a change in circumstances or if the plan specifies a different frequency of review

7.2 *Reviews of financial support*

- 7.2.2 Reviews of the financial allowances will be triggered by the FAB Team sending out the annual financial statement, or following notification by the carer of a change in circumstances. The Connected Person's Support Worker's Manager will maintain oversight of the special guardianship support payments.

7.3 *Reviews of other support services*

- 7.3.1 Where the support plan involves the provision of other services (e.g. ongoing social care support or therapeutic work) the case will be open to the Connected Person's Support Worker. It is the responsibility of Connected Person's Support Worker's Manager to ensure the review takes place.
- 7.3.2 Where the support services include financial support, the FAB Team should be involved in the process. It should be noted that the FAB Team hold records on all guardians receiving financial support and are therefore

well placed to advise on matters relating to the financial support elements of the overall package and will also be able to provide advice and support to the special guardian.

Regardless of whether any contact has been received from the special guardian(s) in the intervening period the allocated Connected Person's Support Worker should make contact with him/her/them and subject to his/her/their agreement arrange to meet with him/her/them within 6 – 12 months of the SGO being granted (and not more than 12 months after the Special Guardianship Support Plan was agreed) in order to review the plan. Where possible the meeting should be arranged on a date and at a time that enables all of the special guardians (if more than one) to attend.

The date and time of the meeting should be set at least 15 working days in advance. If the child is of an appropriate age and understanding consideration should be given to involving him/her in the review meeting. The local authority in whose area the child and the special guardian(s) reside should be informed in good time of the date, time and venue of the review meeting and invited to attend.

The special guardian(s) should be asked to inform the authority if he/she/they wish invitations to be extended to any other specialist workers/teams involved with the child (e.g. CAMHS worker, SENCO, physiotherapist etc).

Where the special guardian(s) consider that this would be helpful contact should be made with the individual(s)/team(s) concerned and they should be informed in good time of the date, time and venue of the review meeting.

The arrangements for the meeting should be confirmed in writing to all attendees at least 15 working days in advance. If the individual(s)/team(s) concerned are not able to attend/send a representative they should be asked to provide a written report detailing their recent/current involvement with the child/family and their expectations in terms of their ongoing/future role.

Review meetings usually take place at the special guardian(s)' home, however if more appropriate arrangements should be made for the meeting to be held at an alternative venue

The meeting should be chaired by the allocated Connected Person's Support Worker.

The meeting should review the progress of the placement and the Special Guardianship Support Plan and ensure that:

- the support needs of all family members are being appropriately addressed
- the special guardian(s) (and if of an appropriate age and understanding the child) are aware of the resources available in their local area and of how to access them
- the special guardian(s) (and if of an appropriate age and understanding the child) are aware of how to contact the authority should they need additional support services to be activated
- any financial support previously agreed, is being provided and appropriately reviewed
- any contact arrangements previously agreed, have been set up and are working effectively.

The review should also consider the child's understanding of his/her own situation (his/her life story and the reasons why he/she is living with his/her special guardian(s)) and how this might be developed.

The meeting must be minuted and any decisions reached clearly identified/agreed with the special guardian(s).

If the meeting identifies that a Special Guardianship Support Plan is no longer required this will be confirmed in writing to the special guardian(s). The letter should confirm that should this situation change in the period prior to the SGO having been in place for three years the special guardian(s) can re-approach the authority and request that an assessment of need for Special Guardianship Support Services be completed with a view to services than being provided by the authority in line with any needs identified. Should difficulties arise subsequently (i.e. after the SGO has been in place for three years or more) the special guardian(s) should contact the local authority in whose area they live for support services

If the host authority or any specialist services involved in supporting the child/family have not been represented at the review meeting they must be consulted about/informed of any proposed changes to the support plan and their views given due consideration prior to the support plan being updated.

If the meeting identifies that a support plan is still required but does not identify a need for significant additional resources, the Special Guardianship Support Plan should be updated by the Connected Person's Support Worker and agreed/signed by the their Team Manager.

If the review meeting identifies that significant additional resources are required, or likely to be required, to support the child/special guardian(s) the Commissioning Manager for Looked After Children should make the decision as to what resources will be provided or commissioned from other

agencies, taking into account financial/budgetary restraints. The Special Guardianship Support Plan should then be updated by the Connected Person's Support Worker and agreed/signed by the Commissioning Manager for LAC.

Within 4 weeks of the date of the review meeting a letter/letters should be sent to the special guardian(s) detailing what support services the authority is proposing to provide/commission and attaching two copies of the revised Special Guardianship Support Plan

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 revised plan and to return it to the Local Authority.

If the special guardian(s) is/are satisfied with the services being offered and return a signed copy of the revised plan to the authority the plan will then be acted upon as necessary.

If the special guardian(s) is/are not satisfied with the services being offered the Commissioning Manager for LAC 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.

The authority 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 Support Worker) and will detail when the plan will be further reviewed. It will enclose:

- a copy of the revised Special Guardianship Support Plan
- details of the authority's complaints procedure

Copies of the revised Special Guardianship support plan will also be sent to:

- the local authority in whose area the family resides (if not PCC)
- any individuals/organisations involved in the support of the placement (including any individual or team involved in providing support for any agreed/ongoing contact arrangements).

PCC will cease to be responsible for providing Special Guardianship Support Services to the child and his/her special guardian(s) (other than the provision of previously agreed financial support and the management of any agreed and ongoing contact arrangements) three years after the granting of the SGO, unless at this point the family are living in the PCC area

In order to facilitate the smooth transfer of responsibility for Special Guardianship Support Services the authority will, where a family is in receipt of ongoing support services (other than those that will remain the responsibility of the authority), make contact with the Special Guardianship Support Team servicing the area in which the family resides 4 – 8 weeks in advance of the transfer date and ensure that they are aware of the child's situation and the current package of support services that the family is receiving (including the financial support that the authority has agreed to provide on an ongoing basis and the agreed contact arrangements).

With the consent of the special guardian(s) the authority will provide any additional information appertaining to the child or the placement that is requested by the host local authority and likely to assist them in fulfilling their responsibilities.

Three years following the granting of the SGO the authority will write to the special guardian (each special guardian if more than one) and, where of an appropriate age and understanding, the child, detailing the services for which the authority will continue to hold responsibility and who they should contact in their local authority should they require other Special Guardianship Support Services. This letter should be copied to the host authority .

The child's Special Guardianship support file should be closed and archived with the child's previous LAC file.

Children who are subject to Special Guardianship Orders and who are living in the PCC area but who were not previously in the care of PCC

i) Where immediately before the granting of the SGO the child was looked after by another local authority:

- If the child who is the subject of the SGO was previously looked after by another local authority, during the first three years after the granting of the SGO the primary responsibility for providing Special Guardianship support to both the child and his/her special guardian(s) rests with that local authority.
- PCC will hold responsibility for the provision of Special Guardianship Support Services to children who are living within the local authority's boundaries and who are subject to SGOs, but who were previously Looked After Children to other local authorities only after a SGO has been in place for three years.
- If requested to do so by the responsible local authority the authority may provide specific support services during the first three years that a

SGO is in place, where this is the case a charge may be made to the responsible authority for any targeted services provided.

- 3 years after the granting of the SGO responsibility for providing Special Guardianship Support Services will transfer to PCC as the host authority.

Note: PCC has no power to renegotiate previously agreed contact arrangements at any stage in a placement if it was not the original responsible local authority – these remain the responsible of the original responsible authority for the duration of a placement.

- Responsibility for the payment and review of any financial support agreed prior to the making of the SGO and for the management and support of any agreed contact arrangements (including any changes to these over time) remains with the previous responsible local authority until the child reaches the age of 18 or 21 if the child's needs are such that financial support is payable until he/she reaches the age of 21 years.
- When PCC is notified by a placing authority that a child who is living with special guardian(s) in the PCC area is in receipt of a package of Special Guardianship Support Services and responsibility for supplying support services will transfer to the authority on a specified date (by virtue of the SGO having been in place for three years) the authority will:
 - allocate the case to a Connected Person's Support Worker
 - request a copy of the child's original placement report and the Special Guardianship Support Plan
 - request a three-way-meeting with the special guardian(s) for the child and the previous local authority to review the family's likely future support needs
 - open a Special Guardianship support file in the child's legal name.
- The three-way-meeting should be chaired by the Fostering Support Team Manager and attended by the allocated Connected Person's Support Worker.
- If the child who is the subject of the SGO is of an appropriate age and understanding consideration should be given to involving him/her in the meeting if his/her special guardian(s) consider that this would be appropriate.
- If the meeting identifies that the child or the special guardian(s) continue to need Special Guardianship Support Services (other than any ongoing provision of financial support already agreed by the previous responsible authority and/or services to facilitate agreed and ongoing contact

arrangements, both of which remain the responsibility of the previous responsible authority) an assessment of need for Special Guardianship Support Services will be initiated by the allocated Connected Person's Support Worker within 4 weeks of the authority becoming responsible for supplying support services, and will follow the above outlined assessment process.

Note: where the authority has not received notification from the previous responsible local authority but becomes aware that a child is living with special guardian(s) in PCC area and that due to the period of time that the child has been subject to a SGO the authority is responsible, or will shortly become responsible, for providing Special Guardianship Support Services, the authority will ascertain whether the special guardian(s) are requesting an assessment of need for Special Guardianship Support Services. If so the authority will respond as if it had received formal notification and carry out the same processes as detailed above.

8. Support under the Children (Leaving Care) Act 2000

Time spent under a SGO is relevant when considering a young person's entitlement to leaving care services. 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 SGO, was looked after by a local authority.

Regulation 22 provides that, for the purpose of providing advice and assistance, the relevant authority shall be the local authority which last looked after the young person. Depending on the service required, it may however be more appropriate for the young person to seek specific support locally where he/she is resident, (i.e. health care).

For care leavers who were previously in the care of PCC, support may be provided if they are eligible under the Leaving Care Act. However, consideration will be given to the young person's financial situation and the level of support available to him/her from his/her special guardian(s) or close family members.

8.1 *Young people who qualify for support*

- 8.1.1 Young people who were looked after immediately prior to the granting of an SGO (i.e. they ceased to be looked after by virtue of the granting of the order) may be eligible for support under the Children Act 1989, as amended by the Children

(Leaving Care) Act 2000 and the Fostering Recruitment and Children Act 2002. This is providing that the young person:

- has reached the age of 16 but not the age of 21;
- if less than eighteen years old, has a special guardianship order in force; and
- if eighteen years old or above, had a special guardianship order in force when
- they reached that age.

8.2 Provision of support

8.2.1 Young people who meet the criteria set out in 8.1.1 above are entitled to receive advice and assistance as “Qualifying Children”. It is unlikely that young people aged 16 to 18 will qualify for significant levels of support. However, for those over 18 who are planning on entering higher education, the support provided may be more extensive and in line with that provided to former relevant children in similar circumstances.

Discharge of a Special Guardianship Order

Unlike adoption orders a SGO can be varied or discharged on the application of:

- The special guardian(s).
- The local authority in whose name a care order was in force before the SGO was made.
- Anyone who held a Residence Order in respect of the child before the SGO was made.
- With the leave of the Court:
 - the child’s parent(s) or guardian(s)
 - any step-parent who has parental responsibility
 - anyone who had parental responsibility immediately before the SGO was made
 - the child (if the Court is satisfied that the child has sufficient understanding).

Where the applicant is not the child and the leave of the Court is required, the Court may only grant leave if there has been a significant change in circumstances since the SGO was made.

The Court may, during any family proceedings in which a question arises about the welfare of a child who is subject to a SGO, vary or discharge the order in the absence of an application.

Placement Breakdown – Post Order

Where the placement of a child/young person who is the subject of a SGO threatens to disrupt or actually disrupts, irrespective of whether PCC was the 'previous responsible authority' or whether PCC 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 placement outcome for the child/young person.

If the circumstances surrounding the threatened 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. In these circumstances, if PCC was the previous responsible authority for the child/young person the authority will co-operate as fully as possible with any investigations initiated by the host authority. If PCC is the host authority they will inform the previous responsible authority of the threatened or actual disruption and seek their co-operation with any investigations where this is likely to be in the best interests of the child. Contact will always be made with the previous responsible authority if the SGO has been in place for less than 3 years as that authority will still hold primary responsibility for providing Special Guardianship Support Services to the child/young person/special guardian(s)

The birth relatives of the child

Where a child/young person who is in the care of PCC is the subject of a SGO application or where PCC was the authority previously responsible for a child/young person who is already the subject of a 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 the birth family members had the child been subject to an adoption plan/adoption order.

This may include:

- services to enable discussion of matters relating to Special Guardianship
- assistance in relation to arrangements for contact
- counselling, advice and information.

Any referral by a birth parent, grandparent or sibling who is seeking counselling, advice or information will initially be responded to by one of the authority's Connected Person's Support Workers.

If the service required is limited to the provision of advice and information the contact will be recorded and the details held on CCM. but an individual case file will not be set up.

If services are required to enable discussion of matters relating to Special Guardianship or specific assistance is required in relation to arrangements for contact, an individual interview will usually be offered.

Any agreed actions should be confirmed to the enquirer in writing giving clear timescales.

9. Child protection

Where concerns arise in working with any child/young person who is placed in the care of prospective special guardian(s) or who is legally the subject of a SGO and/or with his/her 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 case must be shared with the Manager of the Intervention and Assessment Team and her/his advice sought about how to proceed.

APPENDIX 1

SCHEDULE - Regulation 21

MATTERS TO BE DEALT WITH IN REPORT FOR THE COURT

The following matters are prescribed for the purposes of Section 14A(8)(b) of the Act.

1. In respect of the child -

- (a) name, sex, date and place of birth and address including local authority area;
- (b) a photograph and physical description;
- (c) nationality (and immigration status where appropriate);
- (d) racial origin and cultural and linguistic background;
- (e) religious persuasion (including details of baptism, confirmation or equivalent ceremonies);
- (f) details of any siblings including their dates of birth;
- (g) the extent of the child's contact with his relatives and any other person the local authority consider relevant;
- (h) whether the child is or has been looked after by a local authority or is or has been provided with accommodation by a voluntary organisation and details (including dates) of placements by the authority or organisation;
- (i) whether the prospective special guardian is a local authority foster parent of the child;
- (j) a description of the child's personality, his social development and his emotional and behavioural development and any related needs;
- (k) details of the child's interests, likes and dislikes;
- (l) a health history and a description of the state of the child's health which shall include any treatment the child is receiving;
- (m) names, addresses and types of nurseries or schools attended with dates;
- (n) the child's educational attainments;
- (o) whether the child is subject to a statement of special educational needs under the Education Act 1996[5]; and
- (p) details of any order made by a court with respect to the child under the Act including -
 - (i) the name of the court;
 - (ii) the order made; and

(iii) the date on which the order was made.

2. In respect of the child's family -

(a) name, date and place of birth and address (and the date on which their last address was confirmed) including local authority area of each parent of the child and his siblings under the age of 18;

(b) a photograph, if available, and physical description of each parent;

(c) nationality (and immigration status where appropriate) of each parent;

(d) racial origin and cultural and linguistic background of each parent;

(e) whether the child's parents were married to each other at the time of the child's birth or have subsequently married and whether they are divorced or separated;

(f) where the child's parents have been previously married or formed a civil partnership, the date of the marriage or civil partnership;

(g) where the child's parents are not married, whether the father has parental responsibility and, if so, how it was acquired;

(h) if the identity or whereabouts of the father are not known, the information about him that has been ascertained and from whom, and the steps that have been taken to establish paternity;

(i) the past and present relationship of the child's parents;

(j) where available, the following information in respect of each parent -

(i) health history, including details of any serious physical or mental illness, any hereditary disease or disorder or disability;

(ii) religious persuasion;

(iii) educational history;

(iv) employment history;

(v) personality and interests;

(k) in respect of the child's siblings under the age of 18 -

(i) the person with whom the sibling is living;

(ii) whether the sibling is looked after by a local authority or provided with accommodation by a voluntary organisation; and

(iii) details of any court order made with respect to the sibling under the Act, including the name of the court, the order made and the date on which the order was made.

3. In respect of the wishes and feelings of the child and others -

- (a) an assessment of the child's wishes and feelings (considered in light of his age and understanding) regarding -
 - (i) special guardianship;
 - (ii) his religious and cultural upbringing; and
 - (iii) contact with his relatives and any other person the local authority consider relevant, and the date on which the child's wishes and feelings were last ascertained.
- (b) the wishes and feelings of each parent regarding -
 - (i) special guardianship;
 - (ii) the child's religious and cultural upbringing; and
 - (iii) contact with the child, and the date on which the wishes and feelings of each parent were last ascertained; and
- (c) the wishes and feelings of any of the child's relatives, or any other person the local authority consider relevant regarding the child and the dates on which those wishes and feelings were last ascertained.

4. In respect of the prospective special guardian or, where two or more persons are jointly prospective special guardians, each of them -

- (a) name, date and place of birth and address including local authority area;
- (b) a photograph and physical description;
- (c) nationality (and immigration status where appropriate);
- (d) racial origin and cultural and linguistic background;
- (e) if the prospective special guardian is -
 - (i) married, the date and place of marriage;
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 - (ii) has formed a civil partnership, the date and place of registration of the civil partnership; or
 - (iii) has a partner, details of that relationship;
- (f) details of any previous marriage, civil partnership, or relationship;
- (g) where the prospective special guardians wish to apply jointly, the nature of their relationship and an assessment of the stability of that relationship;
- (h) if the prospective special guardian is a member of a couple and is applying alone for a special guardianship order, the reasons for this;
- (i) whether the prospective special guardian is a relative of the child;
- (j) prospective special guardian's relationship with the child;

- (k) a health history of the prospective special guardian including details of any serious physical or mental illness, any hereditary disease or disorder or disability;
- (l) a description of how the prospective special guardian relates to adults and children;
- (m) previous experience of caring for children;
- (n) parenting capacity, to include an assessment of the prospective special guardian's ability and suitability to bring up the child;
- (o) where there have been any past assessments as a prospective adopter, foster parent or special guardian, relevant details as appropriate;
- (p) details of income and expenditure;
- (q) information about the prospective special guardian's home and the neighbourhood in which he lives;
- (r) details of other members of the household and details of any children of the prospective special guardian even if not resident in the household;
- (s) details of the parents and any siblings of the prospective special guardian, with their ages or ages at death;
- (t) the following information -
 - (i) religious persuasion;
 - (ii) educational history;
 - (iii) employment history; and
 - (iv) personality and interests;
- (u) details of any previous family court proceedings in which the prospective special guardian has been involved (which have not been referred to elsewhere in this report);
- (v) a report of each of the interviews with the three persons by the prospective special guardian to provide personal references for him;
- (w) whether the prospective special guardian is willing to follow any wishes of the child or his parents in respect of the child's religious and cultural upbringing;
- (x) the views of other members of the prospective special guardian's household and wider family in relation to the proposed special guardianship order;
- (y) an assessment of the child's current and future relationship with the family of the prospective special guardian;
- (z) reasons for applying for a special guardianship order and extent understanding of the nature and effect of special guardianship and whether the prospective special guardian has discussed special guardianship with the child;

(aa) any hopes and expectations the prospective special guardian has for the child's future; and

(bb) the prospective special guardian's wishes and feelings in relation to contact between the child and his relatives or any other person the local authority considers relevant.

5. In respect of the local authority which completed the report -

(a) name and address;

(b) details of any past involvement of the local authority with the prospective special guardian, including any past preparation for that person to be a local authority foster parent or adoptive parent or special guardian;

(c) where Section 14A(7)(a) of the Act applies and the prospective special guardian lives in the area of another local authority, details of the local authority's enquiries of that other local authority about the prospective special guardian;

(d) a summary of any special guardianship support services provided by the authority for the prospective special guardian, the child or the child's parent and the period for which those services are to be provided; and

(e) where the local authority has decided not to provide special guardianship support services, the reasons why.

6. A summary prepared by the medical professional who provided the information referred to in paragraphs 1(l) and 4(k).

7. The implications of the making of a special guardianship order for -

(a) the child;

(b) the child's parent;

(c) the prospective special guardian and his family; and

(d) any other person the local authority considers relevant.

8. The relative merits of special guardianship and other orders which may be made under the Act or the Fostering Recruitment and Children Act 2002 with an assessment of whether the child's long term interests would be best met by a special guardianship order.

9. A recommendation as to whether or not the special guardianship order sought should be made in respect of the child and, if not, any proposal in respect of the child.

10. A recommendation as to what arrangements there should be for contact between the child and his relatives or any person the local authority consider relevant.

APPENDIX 2

Regulation 12

PROCEDURE FOR ASSESSMENT (using the BAAF Form C amended assessment form)

Regulation 12 requires that assessments consider (as far as relevant to the particular assessment):

- the developmental needs of the child
- the parenting capacity of the special guardian or prospective special guardian
- family and environmental factors which have shaped the life of the child
- what the life of the child might be like with the special guardian
- previous assessment undertaken in respect of the child or the special guardian or
- prospective special guardian
- the needs of the special guardian or prospective special guardian and their family
- where it appears to the local authority 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

APPENDIX 3

SETTING UP REGULAR FINANCIAL SUPPORT

Simple Steps to Set-Up Financial Support.

This process applies when setting up regular payments as described in section 6 of the Special Guardianship Policy/Procedure document – in particular to those circumstances where PCC is providing financial support before the order is made.

1. Complete the FAB Team Online Referral Form, requesting a financial assessment for a special guardianship order, **allowing at least two weeks' notice.**
2. The FAB V Officer will visit the applicant / Special Guardian to complete the financial assessment Form.
3. A copy of the assessment is sent to the child's social worker.
4. The social worker takes the assessment to Permanency Panel.
5. When the Permanency Panel have agreed the assessment, the **Connected Person's Support Worker** will send a P.AF164- Notification of Proposed Level Of Financial Support & A.165 Agreement to the prospective special guardian. This will indicate the proposed level of financial support that will be provided by PCC after the order is made.
6. The applicant has 28 days to sign and send back the A.165 with their agreement.
7. The **Connected Person's Support Worker** then sends 3 copies of P.AF166 - Confirmation of Intention to Pay Special Guardianship / Residence Order Financial Support (this states the terms & conditions of Financial Support). The prospective special guardian must sign all three. They keep one for their own records and return the other two.
8. When the **Connected Person's Support Worker** receives the 2 signed P.AF166's , a copy is placed in the child's file, the other is sent to the Payments Team,
9. When the order is made, **Connected Person's Support Worker** completes a P.AF168, which is authorised by the relevant Commissioning Manager requesting

Payments Team to commence the Financial Support at the agreed post order rate.

Commencement Date is always the first Sunday after the Order is granted (or when the child is placed-whichever is most appropriate).