



**SPECIAL GUARDIANSHIP
SUPPORT POLICY
2020/2021**

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1. Assessment/Plan for Support Services

Pre Order

In all cases where a Court assessment for a Special Guardianship Order is completed or an application for a Special Guardianship Order is made, Together for Children, predominantly a worker from the Connected Carers Team will assess the suitability of the prospective Special Guardian(s), particularly in terms of their motivation and ability to meet the needs of the child.

All children who are Looked After at the time of the application/assessment for a Special Guardianship Order, will have an assessment of their support needs and a Special Guardianship Support Plan will be compiled. The support plan will cover the following areas- introductions/settling in, practical support, health and educational issues, emotional and behavioural issues, financial support, contact arrangements and any support needs of the Special Guardian(s) and their family. At this stage consultations will take place, if required, with other relevant Agencies, including health and education to ensure that the prospective Special Guardian(s) have the detail they require regarding the support needs of the child and what is being cited in respect of this. The proposed support plan will be shared with the prospective Special Guardian(s) for their consideration and the option to seek advice and advocacy. There will be management oversight from the Team Manager and Service Manager for the social work team involved.

Post Order

At the pre Order stage, Special Guardians will be asked if they wish to be contacted by the Connected Carers Team Post Order with invitations to support groups, training and activities. Post Order, Special Guardians can contact the Connected Carers Team and request an assessment of support needs. Three years after the making of the Order, Special Guardians would contact the local Authority/Agency where they are living. The purpose of this support assessment is to identify what the child's support needs are, whilst promoting the relationship between the child and the Special Guardian. A support plan will be compiled following this support assessment, with recommendations regarding the child's needs- discussed further below. The Connected Carers Team will offer an ongoing programme of training and support groups to both Special Guardians and prospective Special Guardians.

2. Provision of Support

The Agency must make provision for a range of Special Guardianship support services (Section 14F of the amended Children Act, 1989).

Special Guardianship support services are defined as:

- Financial support (Reg 3(1)(a));
- Services to enable children, Special Guardians and parents to discuss matters relating to the Special Guardianship (Reg 3(1)(b));

- 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 Agency considers to be beneficial to the welfare of the child (Reg 3(1)(c));
- Therapeutic services for the child (Reg 3(1)(d));
- Assistance to ensure continuance of the relationship between the child and the Special Guardian, including training to meet any special needs of the child, respite care, and mediation (Reg 3(1)(e));
- Counselling, advice and information (Sec 14F(1)(a) of the Children Act 1989).

Support services should not be seen in isolation from universal services and it is important to ensure that families are assisted in accessing universal services and a wide range of other support/services. Support is also provided to ensure that Special Guardians are aware of their entitlements to child benefit, child/working tax credits, universal credit, guardian allowance and any other benefits and exemptions to which they are entitled.

3. Support Plans

Where a support assessment Post Order identifies the need for 'on-going' support, a Post Order Special Guardianship Support Plan will be completed. The proposed Special Guardianship Support Plan will make clear the Agency's intentions to provide support and services and be discussed and agreed with the Special Guardian(s). Where appropriate, reference should also be made to the child's/young person's wishes. An opportunity to make representations about the proposed plan will be provided to the Special Guardian(s) and the option to seek advice and advocacy.

The support assessment and plan are agreed by the Adoption Support Service Advisor (ASSA) and this includes agreement regarding the provision of financial support/allowance.

4. Provision of Financial Support

As part of the Special Guardianship Support Plan pre Order, financial support arrangements are discussed and clarified. Post Order, Special Guardians can request an assessment for support, including financial support. The payment of financial support is at the discretion of the Agency. Special Guardianship Allowances are means tested. A financial review is completed on an annual basis of allowances. State benefits and tax credits/universal credit are available to Special Guardians in the same way as they are for any parent and the Agency has a key role in supporting Special Guardians to access all benefits and exemptions to which they may be entitled to.

The Agency must take account of any other grant, benefit, allowance or resource available to the person in respect of his/her needs as a result of becoming the Special Guardian of a child. Any financial support paid by the Agency is not designed to replace benefits and tax credits.

5. When can Financial Support be Considered

Regulation 6 of the 2005 Regulations states:

Financial support may be paid to a Special Guardian or prospective Special Guardian:

- a. To facilitate arrangements for a person to become the Special Guardian of a child where the Local Authority considers such arrangements to be beneficial to the child's welfare; or
- b. To support the continuation of such arrangements after a Special Guardianship Order is made.

When Regulations are quoted in this Policy they refer to the Local Authority, as cited in the Regulations. Together for Children Sunderland (the Agency) have responsibility for providing Fostering Services on behalf of Sunderland City Council.

6. Criteria for Financial Support

Together for Children has the authority to provide financial support to enable applicants to become Special Guardians, or after the Order is made, to enable the Special Guardianship to continue, where there are assessed needs. Regulation 6(2) allows financial support to be paid if one of the following circumstances in a. to d. applies:

- a. Where the Local Authority considers that it is necessary to ensure that the Special Guardian or prospective Special Guardian can look after the child;
- b. Where the Local Authority considers that 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 considers that it is appropriate to contribute to any legal costs, including Court fees. This could include Court fees associated with the application for a Special Guardianship Order or any application to vary or discharge such an Order; an application for an Order under section 8 of the Children Act 1989; or an Order for financial provision to be made to or for the benefit of the child;
- d. 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, 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.

Payment of financial support under (b) 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 for a child of a similar age who was unaffected by the particular condition (paragraph 39).

In many Special Guardianship arrangements, contact 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, this may be provided as part of any financial support provided under Regulation 6(2)(b) to support the arrangements for ensuring the Special Guardian can look after the child (paragraph 41).

7. Remuneration for former Foster Carers (who received payment for skills)

Regulation 7 states where the Special Guardian or prospective Special Guardian previously fostered the child and they received an element of remuneration, this being payment for skills, the Local Authority has the discretion to continue to pay that element of remuneration for two years from the date of the Special Guardianship Order. The decision to include an element of remuneration (payment for skills) must be taken before the Special Guardianship Order is made and the assessment/support plan must determine that such remuneration is necessary to facilitate arrangements for a person to become a Special Guardian.

The support plan will specify the arrangements for the payment of this remuneration. The Special Guardian will also be supported to access benefits, including child benefit.

8. Method of Payment

(Regulation 8) Financial support may be paid either:

- i) **periodically**, if it is provided to meet a need which is likely to give rise to recurring expenditure; or
- ii) by a **single payment**; or
- iii) if the Local Authority and the Special Guardian or prospective Special Guardian agree, by **instalments**.

9. Financial Assessment

As Special Guardianship allowances are means tested, a financial assessment is completed pre Order by the Finance Team after they have been forwarded the relevant documents by the worker in the Connected Carer's Team, if this is identified within the support plan. Post Order, the Finance Team will complete a financial assessment annually, which involves information being requested from the Special Guardians to allow for a financial calculation to be made. If there is any significant change to the amount calculated the Special Guardians will be informed in writing and will have a month to make representation regarding this.

The Agency will use its weekly in-house fostering allowance (based on the age-related fostering allowance) as its baseline for calculating the Special Guardianship allowance, using the Department of Education Means-Test Model which will take into consideration:

- a) the financial resources available to the Special Guardian(s) or prospective Special Guardian(s);
- b) the amount required by the Special Guardian(s) or prospective Special Guardian(s) in respect of his or her reasonable outgoings and commitments (excluding outgoings in respect of the child);
- c) the financial needs and resources of the relevant child.

Paragraph 66 states that the following support can be provided without the need for a means-test:

- The initial costs of accommodating a child who has been Looked After;
- Recurring travel costs in contact arrangements;
- Any special case requiring greater expenditure due to illness, disability, emotional or behavioural difficulties or the consequences of the past abuse or neglect of a child previously looked after;
- Where consideration is being given to including an element of remuneration in financial support payments to ex-foster carers – so that

Local Authorities can maintain the amount paid to a foster carer who goes on to become a Special Guardian for the transitional period (two years).

The only circumstance in which the Local Authority must disregard means is when they are considering providing financial support in respect of legal costs, including fees payable to a court (paragraph 68).

10. Terms & Conditions

Regulation 10 provides that financial support that is to be paid periodically is not payable until the Special Guardian(s) or prospective Special Guardian(s) agree to the following conditions. As the Local Authority has the discretion to impose any appropriate condition this will apply for the purpose of any financial support provided.

As outlined within the Terms & Conditions, during the period in which financial support is provided, it will always cease to be payable to the Special Guardian or prospective Special Guardian if the child or young person:

- a) ceases to have a home with him or her; or
- b) ceases full-time education or training and commences employment (including paid apprenticeships); or
- c) qualifies for income support or job seeker's allowance in his or her own right:

or

- d) reaches the age of 18 years, (unless he or she continues in full-time education or training, when it may continue until the end of the course or training, he or she is then undertaking)

The Special Guardian or prospective Special Guardian must agree to:

- a) inform the local authority immediately if the Special Guardian changes his or her address, the child/young person dies, or there is a change in the financial circumstances of the Special Guardian or the needs or resources of the child, or if any of the events occur which would lead to the cessation of the support/allowance;
- b) complete and supply the Local Authority with appropriate annual financial documentation (which forms part of the Special Guardianship Order allowance annual review) of his or her financial circumstances, the financial needs and resources of the child or young person, and his or her address and whether the child/young person still has a home with him or her.

Together for Children may suspend or terminate the payment of financial support/allowance, and seek to recover all or part of the monies paid, if any of the above conditions are not complied with, but where the non-compliance is

the failure to provide annual financial documentation, the Agency 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 comply.

11. Contact Details for Enquiries

Enquiries about the support to Special Guardians and Prospective Special Guardians can be made to the Connected Carers Team on the Duty Number, 0191 5615667, during office hours.