



Borough of Telford and Wrekin
Cabinet
21 September 2023
Special Guardianship Order (SGO) Support Policy

Cabinet Member:	Cllr Shirley Reynolds - Cabinet Member: Early Years, Children & Young People
Lead Director:	Darren Knibbs - Director: Children's Safeguarding & Family Support
Service Area:	Children's Safeguarding & Family Support
Report Author:	Kelly Burgess – SDM: Fostering, Adoption and Permanence
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Wards Affected:	All Wards
Key Decision:	Key Decision
Forward Plan:	23 August 2023
Report considered by:	SMT – 22 August 2023 Business Briefing – 7 September 2023 Cabinet – 21 September 2023

1.0 Recommendations for decision/noting:

Cabinet is asked to:

- 1.1 Approve the updated Special Guardianship Order (SGO) support policy attached at Appendix A of this report; and
- 1.2 Delegate authority to Director: Children's Safeguarding and Family Support, following consultation with the Cabinet Member: Early Years, Children & Young People, to implement the policy with immediate effect.

2.0 Purpose of Report

- 2.1 In 2000, a review into adoption arrangements for children recognised that adoption is not suitable for all children. However, foster care is not always the best option for caring for a child as it does not always provide a sense of security or permanence for the child or young person.
- 2.2 It is recognised that Special Guardianship Orders (SGOs) provide the permanence of a 'forever family' for a child or young person by ensuring that there is a legal arrangement in place, approved by the Court, which cannot be revoked without the court's agreement.
- 2.3 The purpose of this report is to set out the support available to Special Guardians so that when it is considered to be an appropriate care arrangement for a child/young person, foster carers are encouraged to become Special Guardians, knowing that there is long-term support available to them and to the child. This gives children the security of a long-term placement, so they know which adults they will live with and who will be responsible for them when they cannot live with their birth parents and, hopefully, with Special Guardians who were previously their foster carers and so also providing consistency.

3.0 Background

- 3.1 A Special Guardianship Order, introduced by the Adoption and Children Act 2002, is a private law order appointing one or more individuals to be a child's 'special guardian' and is intended to provide a permanent arrangement for children where adoption might not be appropriate, for example where there may be cultural difficulties with adoption or where children require permanence but retain a strong bonded relationship with their birth families and are not able to live with them.
- 3.2 It is considered to be a more secure order than a Child Arrangements Order because a parent cannot apply to discharge it unless they have the permission of the court to do so. It does not end the legal relationship between the child and his/her birth parents that adoption does.
- 3.3 The Special Guardianship Guidance for Local Authorities states that an SGO:-
- gives the carer 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
 - provides a firm foundation on which to build a lifelong permanent relationship between the child and their carer

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

3.4 An SGO gives a greater share of parental responsibility to the Special Guardian(s), who can exercise that parental responsibility to the exclusion of others with parental responsibility (other than another Special Guardian to the child). A Special Guardian is usually someone with a close relationship to the child, such as a family member, former foster carer or family friend. This gives them day-to-day control in respect of decisions about a child (which school they go to, medical consent, authority to take abroad (for up to three months unless agreed otherwise by the court)).

3.5 Birth parents continue to retain shared parental responsibility. This means that children can continue to have links with their birth parents, if it is appropriate to do so.

3.6 The local authority has a statutory duty to make provision for a range of services to support people impacted by a Special Guardianship Order. This includes support for the child or young person, as well as support for the Special Guardian(s) and can include financial support, training, advice and information.

3.7 The current SGO policy in place in Telford & Wrekin includes, amongst other things, the following support:-

- A child-related allowance (minus the equivalent of child benefit) until the child is 18 years old (or if they are disabled, until the young person has completed their secondary education and this is after their 18th birthday). This is means tested for private applications when the child has not previously been in local authority care.
- Former foster carers continue to receive the equivalent to their fostering fee for 2 years
- Access to specialist SGO support workers who can provide emotional support, advice and guidance to all Special Guardians
- Annual SGO reviews
- Access to the Adoption Support Fund for children who were previously looked after by the local authority (see 3.9)
- Access to a needs-led assessment from the local authority to consider requests for things such as respite or financial support
- Support to access funding from agencies, such as DLA/PIP
- Access to support from the Virtual School for children who were previously fostered, including Pupil Premium funding

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- Ongoing training that is also available to foster carers and some bespoke training to Special Guardians
- Bi-monthly SGO forums
- Newsletters

3.8 This policy includes the following additional support:-

- Former foster carers continue to receive the equivalent to their fostering fee until the child is 18 years old (or until the young person has completed their secondary education and this is after their 18th birthday, regardless of their disability status)
- Eligibility for leaving care grants to the young person (setting up home grant and education grant)

This means that former foster carers and children previously in the care of the local authority continue to receive financial support that they would have been eligible for had they remained in foster care.

3.9 As well as the support above, children who have previously been in the care of the local authority and then become subject to an SGO are eligible for funding from the Adoption Support Fund (ASF). The ASF provides funds to local authorities to pay for essential therapeutic services for eligible adoptive and special guardianship order (SGO) families. This funding provides up to £2,500 per child per year for specialist assessment and £5,000 per child per year for therapy. In 2022-2023, £74,299 was accessed from the ASF to fund assessments or therapies for children subject to an SGO. This subsequently enables the Council to use their resources better to support those children and families who cannot access the ASF.

3.10 In the current year, as of 17 August 2023, there have been 9 SGOs granted. Of these:-

- 3 children were previously fostered by 2 Family & Friends carer families
- 2 children were previously fostered by 2 mainstream (not Family & Friends ie the children were not previously known to the carers) foster carers
- and 4 were private applications by 2 families.

3.11 As at 17 August 2023, there are 24 assessments that are ongoing, of which:-

- 10 are with Family & Friends foster carers;
- 4 are with internal mainstream (not Family & Friends) foster carers;
- and 10 are private applications.

3.12 Given the impact that an SGO has on the child or young person and the long-term benefits of being able to provide a permanent arrangement for them, Telford & Wrekin Council has been promoting SGOs with foster carers (birth family and friends carers, as well as mainstream foster carers). This activity has seen an increase in the numbers of foster carers who have notified us that they would like

to apply for an SGO. It is anticipated that the proposed policy will help to further increase the number of SGOs.

- 3.13 For children who are placed with external foster carers, an SGO will mean that the carer continues to be paid the fee and allowance for the duration of the child's minority and the local authority agency fee (to the Independent Fostering Agency) will cease, creating a saving.

4.0 Summary of main proposals

- 4.1 The draft policy attached at **Appendix A** to this report again sets out the support available to both children and Special Guardians. The only substantive change to the policy in this updated version is in respect of the financial support available to Special Guardians. It is proposed that Special Guardians will continue to receive financial support equivalent to both the foster carer fee (for former foster carers) and the child-related fostering allowance until the child reaches the age of 18 years old even if this extends beyond the current 2 year period. In the event that the child or young person is disabled and/or previously looked after, the child-related allowance will continue until they have completed their secondary education i.e. potentially, beyond 18 years of age.
- 4.2 The proposal is that the local authority will take into consideration all child-related benefits i.e. child tax credits, that are available to the Special Guardian (unless the Special Guardian is in receipt of Income Support or Pension Credits) and encourage Special Guardians to claim for universal benefits (Universal Credit). The local authority will support Special Guardians in applying for this benefits and these will be taken into consideration and the payment made by the local authority reduced by the same sum paid to the Special Guardian in benefits.
- 4.3 It is anticipated that, making this significant change to the financial support available will encourage foster carers to consider becoming Special Guardians as they will not face a financial disbenefit if they cease being a foster carer to become a Special Guardian instead. In turn, this will enable the Council to provide better long-term outcomes for children who are not able to live with their families by ensuring they have a forever family.

5.0 Alternative Options

- 5.1 Cabinet could choose not to approve and implement the updated policy and continue to operate under the existing policy. However, this will not encourage individuals to put themselves forward to be considered as a Special Guardian, meaning fewer children will have the stability of a legally secure placement.

6.0 Key Risks

- 6.1 The success of this policy could result in a reduction in the number of foster carers available. However, this is mitigated by the continued recruitment activity for new foster carers. Additionally, an SGO will not be in the best interests of all children so it is not envisaged that all foster carers will move to become Special Guardians.

7.0 Council Priorities

- 7.1 The proposals contained in this report support the Council's priority to ensure that every child, young person and adult lives well in their community.

8.0 Financial Implications

- 8.1 It is anticipated that the direct financial implications associated with these proposals will be cost neutral. This is because the existing fees payable to foster carers that would be paid if a child remained in foster care will be payable to the Special Guardian instead. There may be a slight cost saving by the removal of agency costs for any children who are placed with external foster carers i.e. with independent fostering agencies who then become subject to a Special Guardianship Order.
- 8.2 There may be less demand placed on fostering social workers, Independent Reviewing Officers and other staff if there are fewer children being looked after through foster care arrangements which, in turn, may result in some reduced costs in this respect. However, it should be noted that there continues to be significant demand on children's services and so any cost reduction may serve to offset the costs associated with increased demand.
- 8.3 There may be a slight cost saving delivered as a result of children subject to an SGO being able to access funding from the Adoption Support Fund for assessments or therapies, rather than from the local authority if they were to remain in local authority care.

9.0 Legal and HR Implications

- 9.1 The Council is required, under the Special Guardianship Regulations 2005, Adoption and Children Act 2002 and Special Guardianship Guidance (January 2017) to provide support to those wishing to become Special Guardians. The proposals contained in this report, and Appendix A meet the statutory requirements

10.0 Ward Implications

- 10.1 There are no ward implications.

11.0 Health, Social and Economic Implications

- 11.1 It is anticipated that children currently in the care of the local authority will be able to enjoy a permanent option to their care and that existing foster carers will no longer be discouraged from applying for an SGO due to financial detriment. The foster carers who take out an SGO will continue to receive the same income as they did when they were a foster carer for that child.
- 11.2 Children who are in the care of the local authority prior to the SGO being granted (and over the age of 11 years) will also be eligible for some elements of leaving

care provision that they would have been eligible for had they remained in the care of the local authority and therefore they will not be unduly disadvantaged.

12.0 Equality and Diversity Implications

12.1 This policy is intended to apply a no detriment offer to foster carers who then obtain an SGO, so that they will continue to receive the same financial support (taking any child related benefits into account).

12.2 Children who are currently in care and then exit local authority care as a result of obtaining an SGO will no longer have the stigma of being a child in care and will also no longer have numerous visits and meetings with social workers (child's social worker, fostering social worker, Independent Reviewing Officer) associated with being in care (the Special Guardians will still be able to seek support from the SGO support workers and have an annual review).

13.0 Climate Change and Environmental Implications

13.1 There are no climate change and environmental implications.

14.0 Background Papers

None

15.0 Appendices

A Special Guardianship Order (SGO) Support Policy

16.0 Report Sign Off

Signed off by	Date sent	Date signed off	Initials
Legal	07/08/2023	25/08/2023	AL
Finance	07/08/2023	13/09/2023	TD
Director	24/08/2023	30/08/2023	DK