



Children's Safeguarding & Family Support

Special Guardianship Support Policy

Special Guardianship Support Policy

Title	Name of Policy
Purpose/scope	The policy offers a framework that ensures consistent support to Special Guardians and offers a no detriment financial support to existing foster carers applying for an SGO. This policy is underpinned by the aim to identify permanence arrangements for children and support families to enable children to not be in local authority care when it is appropriate.
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1. Introduction

Every child needs a secure, stable and loving family to support them through childhood and beyond. Special Guardianship is one way of providing this when children cannot live with their birth parents but without the severance from the birth family as in adoption.

The purpose of this policy is to provide information to practitioners, Special Guardians, and prospective Special Guardians about the support available when a child is subject to a Special Guardianship Order.

2. What is Special Guardianship

A Special Guardianship Order is an order made by the court to appoint one or more people to be a child's 'Special Guardian'. It is intended for those children who cannot live with their birth parents and who would benefit from a legally secure placement.

Special Guardians are granted parental responsibility for the child and, although parents retain their parental responsibility, this is limited as the Special Guardianship Order allows the Special Guardian(s) to make the day-to-day decisions for the child without seeking consent from the parents or anyone else with parental responsibility for the child (apart from another Special Guardian). However, it does not end the legal relationship between the child and their birth parents.

Parental responsibility refers to the rights, duties, powers, and responsibilities that the law says a parent has in relation to a child. This includes things such as making decisions regarding which school to attend or having responsibility for clothing and feeding a child.

However, the parents retain the right to consent or not to the child's adoption or placement for adoption. In addition, there are certain steps in a child's life, which require the consent of everyone with parental responsibility or the permission of the court, for example:

- Causing the child to be known by a different surname
- Removing the child from the United Kingdom for longer than three months

The court may, at the time of making the Special Guardianship Order, give permission for the child to be known by a new surname and/or to be removed from the United Kingdom for longer than three months, either generally or for specified purposes.

Despite the overriding power that Special Guardians have, parents and others with parental responsibility should be consulted on issues such as internal United Kingdom relocation and major medical procedures. Parents can make an application to the family court for a specific issue order to challenge the decision of a Special Guardian.

3. Who can apply?

The people listed below can apply for a Special Guardianship Order providing that they are 18 years of age or older:

- A person who is already the child's legal guardian;
- Anyone the child lives with because of a Child Arrangements Order (CAO);
- A relative with whom the child has lived with for a period of at least one year immediately prior to the application being made;
- A local authority foster parent with whom the child has lived for a period of at least one year immediately prior to the application being made;
- Anyone who has the agreement of anyone named in a CAO as someone who the child will live with;
- Anyone the child has lived with for a period of at least three out of five years;
- Where the child is in care, anyone who has the local authority's consent; and
- Anyone who has consent from those with parental responsibility.

Other people require the permission of the court to make an application for a Special Guardianship Order and permission must be granted prior to the prospective Special Guardian informing the local authority of their intention to apply.

Telford and Wrekin Council encourages all prospective Special Guardians to attend one of the Telford and Wrekin Special Guardianship workshops prior to notifying the local authority of their intention to apply for an order. The workshops are designed to provide information about the implications of the order and provide an opportunity for prospective Special Guardians to ask questions. However, this does not replace the need to obtain independent legal advice.

4. How to apply for Special Guardianship

Notice of intention to apply

All prospective Special Guardians must give the relevant local authority three months' notice of their intention to apply for a Special Guardianship Order. This will need to be made in writing and include the names of everyone wishing to become a Special Guardian and the name of the child/ren. The relevant local authority is the local authority where the child resides, or the local authority responsible for placing the child if the child is in its care.

On receipt of 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 applicants to become Special Guardians. Under section 14A-F of the Children Act 1989, as amended ("the Act"), the local authority must make arrangements for the provision of Special Guardianship support services which includes consideration of whether or not to provide any form of financial support (see section 8).

For children who are in the care of the local authority and subject to a Care Order or Interim Care Order, the prospective Special Guardian will need to notify, in writing, the child's social worker or their fostering social worker of their intention to apply for an order. Telford and Wrekin's legal services will submit the application to the court upon receipt of the completed Special Guardianship assessment, support plan, and any other documents required by the court. Alternatively, the prospective Special Guardians may make their own application to the court. The court cannot grant a Special Guardianship Order without an assessment from the local authority.

The SGO support plan outlines the support available to the Special Guardians and is presented to the court along with the assessment report (see section 6).

For children who are not known to the local authority i.e. not in care, or when the local authority is not in support of an application, anyone wishing to apply for Special Guardianship will need to notify the local authority of their intention to apply three months in advance of making the application to the court. This notification needs to be made in writing to Family Connect at familyconnect@telford.gov.uk. The prospective Special Guardian will also need to tell anyone named in existing court proceedings or orders regarding the child of their plan to make an application. They will be required to attend a Mediation, Information and Assessment Meeting (MIAM) prior to making an application unless they are exempt from this requirement (see <https://www.gov.uk/apply-special-guardian/apply> for further information). A MIAM is an individual meeting between a parent and an accredited mediator.

Prospective Special Guardians may wish to instruct their own solicitor to make the application and represent them in the court proceedings. The court cannot grant a Special Guardianship Order without an assessment from the local authority.

5. The circumstances in which a Special Guardianship Order may be made.

The court could make a Special Guardianship Order in any family proceedings concerning the welfare of a child. This applies where no application has been made and includes adoption proceedings. However, the court **must** be in receipt of a report from the local authority in order to grant an order although it is not bound by the recommendations of the report (see section 6).

In practice, where care proceedings are underway, the permission of the court and usual three months' notice period are often not required by the court so as to minimise delay for the child and secure positive living arrangements for a child at the earliest opportunity. A prospective Special Guardian is likely to have undergone a viability assessment (initial consideration of whether the person/s are potentially a realistic option to care for the child until they reach adulthood), undertaken by the local authority, which will have gathered some of the required information and therefore the local authority is required to undertake the Special Guardianship assessment in a shorter period of time.

Prospective Special Guardians may wish to instruct their own solicitor to make the application and represent them in the court proceedings.

6. Preparing the Report for the court

The social worker or social workers preparing the court report should be suitably qualified and experienced. There are no specific requirements as to the level of qualification or experience required and it will be for the manager of the relevant social work team to ensure that the allocated worker is competent to write the report.

In all cases there will need to be:

- An assessment of the current and likely future needs of the child (including any harm the child has suffered and any risk of future harm posed by the child's parents, relatives or any other person the local authority considers relevant).
- An assessment of the prospective Special Guardian's parenting capacity including:
 - Their understanding of, and ability to meet, the child's current and likely future needs, particularly any needs the child may have arising from harm that the child has suffered;
 - Their understanding of, and ability to protect the child from, any current or future risk of harm posed by the child's parents, relatives or any other person

the local authority consider relevant, particularly in relation to contact between any such person and the child;

- Their ability and suitability to bring up the child until the child reaches the age of eighteen; and
- An assessment of the proposed family time arrangements and the support needs of the child, parents, and the prospective Special Guardian.

The assessment of the applicants will include a medical completed by their General Practitioner, a check with the Disclosure and Barring Service (DBS), employment references, education checks for any child living in the household, personal references, and any other checks the local authority believe are necessary to complete the assessment and support plan. Prospective Special Guardians will be asked to provide written consent prior to checks being undertaken.

7. Support

Who is responsible for providing support?

The local authority must make arrangements for the provision of a range of support services in their area to meet the needs of people affected by Special Guardianship.

Special Guardianship support services are defined as:

- Financial support;
- Services that enable groups of children that are the subject of a Special Guardianship Order (or where such an Order is being formally considered), Special Guardians, prospective Special Guardians, and parents of the child to discuss matters relating to Special Guardianship;
- Assistance, including mediation services, in relation to family time 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;
- Therapeutic services for the child;
- Assistance for the purpose of ensuring the continuance of the relationship between the child and their Special Guardian or their prospective Special Guardian, including training so that the Special Guardian or prospective Special Guardian is able to meet any special needs of the child; respite care; and mediation in relation to matters relating to Special Guardianship Orders; and
- Counselling, advice, and information.

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 are aware of their entitlements to benefits.

The local authority has responsibility for the assessment and provision of services for the child, the Special Guardian and any children of the Special Guardian living in their area. However, where the child was previously in the care of the local authority, the local authority where the child was last looked after is responsible for the assessment and provision of services for a period of three years. Thereafter, the local authority where the Special Guardian now lives will take on this responsibility.

If a child is not in the care of a local authority, the local authority where the Special Guardian lives has the responsibility for assessing and providing support services. This includes assessment and any support that is needed by the child's relatives who may live elsewhere. If the Special Guardian and his/her family move, then the responsibility passes to the new local authority. The local authority where the Special Guardian previously lived should cooperate as needed to ensure a smooth transition for the child.

Ongoing financial support (i.e., that is paid on a regular basis), which was agreed before the Special Guardianship Order was made, remains the responsibility of the local authority that agreed it so long as the family remains eligible for payments.

Where the child is in the care of the local authority or was in the care of the local authority immediately prior to the making of the Special Guardianship Order, the following people *must* receive an assessment at their request:

- The child;
- The Special Guardian or prospective Special Guardian; and
- A parent.

The following people *may* be offered an assessment of their need for Special Guardianship support services:

- The child;
- The Special Guardian or prospective Special Guardian; and
- A parent.
- A child of the Special Guardian; and
- Any person with a significant ongoing relationship with the child.

If a local authority decides not to assess in cases where they have discretion as above, they must notify the decision in writing, including reasons for the decision, to the person making the request. The person who requested the assessment must be allowed at least 28 days to make representations in relation to the decision.

It will not always be necessary to undertake an assessment before providing information, advice, or counselling services. However, if the local authority is considering providing any of the support services, then a full assessment should be carried out. However, where a request relates to a particular service or where it is clear a particular service is required, the assessment process can be limited to looking at the need for that service.

Where an assessment identifies the need for ongoing support services, a Special Guardianship Support Plan must be completed.

Other agencies, such as education and health, may need to be consulted about the contents of the Plan.

The Plan should be written in such a way that everyone affected can understand and set out:

- The services to be provided;
- The objectives and criteria for success;
- Timescales for provision;
- Procedures for review; and
- A named person to monitor the provision of services in accordance with the Plan.

In Telford & Wrekin, the Family and Friends Support Team is responsible for ensuring that the support identified within a support plan is provided and that it is reviewed annually. SGO support workers will co-ordinate and manage the support and review process. If additional support is required after the order is granted, the team may make a referral to Family Connect who will decide whether a further assessment is required for support under Child in Need, or Child Protection procedures as necessary, or a referral to Strengthening Families is required. In some cases, a referral may be made to the Adoption Support Fund for children who were previously looked after by the local authority or where a Child Arrangements Order was in place for the child to live with the Special Guardian.

The Family and Friends team will undertake an assessment of need when a child wishes to have, or their Special Guardian believes the child needs access to therapeutic support, unless a Child and Family assessment or Early Help assessment has been completed in the last three months.

Special Guardians, parents, and child/ren will be able to contact the Family and Friends Support Team for advice and guidance or to find out how to access any relevant training. Special Guardians will be offered a formal review of the support

plan on an annual basis to ensure any identified support is being provided or to consider whether any amendments are required to the plan to meet their individual needs and the needs of the child.

A review must take place on an annual basis if the Special Guardian is in receipt of financial support from the local authority.

8. Eligibility for financial support

The Special Guardianship Guidance (2017) published by government sets out the requirements placed on local authorities in respect of financial support. This guidance is based upon the Special Guardianship Regulations 2005 which provides the legal framework for the provision of financial support. The Special Guardianship Guidance sets out that Regulation 6 states that financial support, 'should be payable in accordance with the Regulations to help secure a suitable Special Guardianship arrangement where such an arrangement cannot be readily made because of a financial obstacle'.

Regulation 6 sets out the circumstances in which financial support may be paid to a Special Guardian or prospective Special Guardian as follows:

- Where it is necessary to ensure that the Special Guardian or prospective Special Guardian can look after the child;
- Where the child needs additional 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;
- Where the local authority considers that it is appropriate to contribute to any legal costs, including court fees, of a Special Guardian or prospective Special Guardian associated with:
 - (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 Children Act 1989 (a Child Arrangements Order, a prohibited steps order, or a specific issue order); or
 - (iii) An order for financial provision to be made to or for the benefit of the child;
- 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.

Payment of financial support under (b) is typically considered where the child's condition is serious and long-term. For example, where a child needs a specific 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 a similar age who is unaffected by the particular condition.

When a child who was previously looked after has a condition that is serious and long term, the local authority will continue to pay the allowance and the equivalent of the fostering fee the foster carer received at the time the SGO was granted until the child reaches the age of 18. The allowance (not fee) may be paid after the child turns 18 years if they are completing the first course of their secondary education ie GCSE, A' level, NVQ, BTech.

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, again, where the local authority considers this to be appropriate (see next section (8a)).

In many Special Guardianship arrangements, contact/family time between the child and their relatives or others with whom the local authority consider the child to have a beneficial relationship is very important. This should be assessed by the local authority in the first instance and would mostly be where the contact/family time is at a distance. Where assistance with travel costs is required, this may either be given in cash under Regulation 3 (1) (b) or, if such costs are on a recurring basis, 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. Once assessed, this would be included in the SGO support plan.

a. Financial support for legal representation if you are the child's foster carer

Although the local authority will make the application to court for a Special Guardianship Order for a child in its care, it is important that prospective Special Guardians seek independent legal advice. Funding will be made available for foster carers to access independent legal advice in respect of applying for an SGO, for the initial sum of up to £350.00. Should the foster carer require further funding for legal advice and support, this will need to be agreed by the local authority in advance of further legal advice being sought.

In some cases (particularly when parents are not in agreement with an SGO), it may be necessary for a prospective Special Guardian to be legally represented at

court. Should this funding become available through legal aid, that should be accessed in the first instance. The Council will pay a maximum of £1,500 towards, exclusive of VAT, where it is deemed necessary for the Special Guardian to seek legal representation, and only after this has been agreed by the Service Delivery Manager for Fostering, Adoption and Permanence or the Service Delivery Manager for Children in Care. This financial support would only be provided if it is agreed in advance of securing any legal representation as part of court proceedings. The local authority will not pay for legal costs that exceed this amount.

Payment towards legal costs may also be considered where there is an application to vary or discharge a Special Guardianship Order (usually made by a parent), or where there is an application made under Section 8 of the Children Act 1989 (usually around contact) or for an order for financial provision to be made to or for the benefit of the child.

The Service Delivery Manager for Fostering, Adoption and Permanence or the Service Delivery Manager for Children in Care must authorise any legal costs to be paid. Arrangements for all such payments will be negotiated between the Council's Legal Services and the solicitors for the Special Guardian in **advance** of any legal consultation or legal representation at court, and with reference to the rates set out in the current court guideline hourly rates.

b. Ongoing financial support if you are the child's foster carer/s

Whilst fostering, all Telford and Wrekin foster carers receive an allowance for each child they care for, and this changes according to the child's age. Foster carers also receive a fostering fee (remuneration). The allowance and the fostering fee form the basis of the payments former foster carers will receive once a Special Guardianship Order is granted. However, Special Guardians, who were formerly foster carers, will not receive mileage, holiday, respite, festival, or birthday payments that were previously paid to them as foster carers.

(i) Allowances

The local authority ensures that all former foster carers who become Special Guardians for a child continue to receive the equivalent of the allowance (minus child benefit and any other child related benefits), which will increase according to the child's age in line with fostering rates until the child reaches the age of 18 or completes their secondary education (ie GCSE, A'Level, NVQ, Btech) if their 18th birthday falls before their course finishes. In this event, the local authority will ask the Special Guardian to provide evidence from the education provider to show the young person is continuing in secondary education after their 18th birthday and the date their course comes to an end.

The local authority will be responsible for overseeing all payments in relation to Special Guardianship and in supporting all prospective Special Guardians and Special Guardians to apply for the benefits they will be entitled to once an order is granted.

A representative from the local authority will request evidence from the prospective or Special Guardian that they have completed a recognised Benefits Calculator, for example Turn2us, to determine if they are eligible for benefits. It is the responsibility of the Special Guardian to claim child benefit and any other benefits they are entitled to once the order is granted. The local authority will be responsible for deducting the equivalent of any child related benefits (such as child tax credits or the child element of universal credit) the Special Guardian receives except for Disability Living Allowance (DLA) or Personal Independence Payments (PIP) for the child from the allowance.

The equivalent to Child Benefit will be deducted from all allowances automatically by the local authority once an order is granted at either the higher or lower rate depending upon the child's position within the Special Guardian's family. This is because the Special Guardian can claim Child Benefit in their own right. The equivalent to Child Benefit will not be deducted for anyone in receipt of Income Support or Pension Credit.

The local authority will ensure that former foster carers who are in receipt of child related benefits receive the same amount of allowance for the child they received as a foster carer in total although this will come from different sources i.e., Telford and Wrekin Council, Child Benefit Agency, and the Department of Work and Pensions (DWP). Those who are in paid employment, where their income fluctuates throughout the year, will need to provide the local authority with the notification from the DWP each time their benefits payments alter.

NB This is because Special Guardians can apply directly to the Child Benefit Agency, and the Department of Work and Pensions for Universal Credit as they have parental responsibility for the child they are caring for and the local authority will not pay if there is a benefit the Special Guardian can claim on behalf of the child.

Under Regulation 13, any financial support provided by Telford and Wrekin must not duplicate any benefit payments the Special Guardian can claim for the child.

The prospective Special Guardian will be asked to contact the Department of Work and Pensions to find out if they will be entitled to benefits once they become a Special Guardian prior to the order being granted. If it has not been possible to obtain a forecast prior to the order being granted, the local authority will undertake a financial assessment after a period of three months to capture any benefits being

received. Any benefits received in relation to the child will be deducted from the allowance.

The former foster carer will be required to provide evidence to the local authority of the benefits they are receiving from the Department of Work and Pensions or evidence that they are not entitled to claim benefits.

(ii) Fee (remuneration)

As set out in Regulation 7, financial support for Special Guardians does not ordinarily include the continuation of the fostering fee beyond the first two years although it can continue if the local authority considers it appropriate. The local authority recognises that this has been a barrier to many foster carers pursuing a Special Guardianship Order and, after full consideration, the local authority considers it appropriate to continue to pay the fee until the child reaches the age of 18. This will be at the fee level the carer was receiving at the time the order was granted and will not change.

As the fostering fee was a payment to the foster carer rather than for the child, it will need to be declared as an income for tax purposes.

(iii) Independent Fostering Agencies

Where the foster carer was approved by an Independent Fostering Agency (IFA), the allowance and fee payment may be negotiated individually as there may be significant disparity between the allowance and fee paid to a local authority foster carer and that which has been received from an Independent Fostering Agency. Any financial support to former foster carers from an IFA must be approved by a Telford and Wrekin finance panel (ie Resource Allocation Management Panel (RAMP)).

If in receipt of benefits, child related benefits will be deducted.

(iv) Special Guardians who are not resident in the United Kingdom

Consideration for financial support will be considered on a case-by-case basis for both the allowance and the fee if the Special Guardian was a former foster carer. All payments will be at the discretion of the local authority.

c) Financial support when children are not looked after by the local authority and a Special Guardianship Order is pursued as a private matter.

Financial support to make an application.

Public funding rules for legal aid changed from May 2023 and were extended to private law Special Guardianship applications, which apply to:

- Prospective Special Guardians making applications for Special Guardianship Orders (SGOs) in private family law proceedings; and
- Anyone with parental responsibility when responding to applications for Special Guardianship Orders.

More information is available at [Civil news: changes to scope of family legal aid - GOV.UK](#)

d) Ongoing financial support if you are not the child's foster carer.

The Council will not automatically provide financial support to the prospective Special Guardian if the child was not previously in the care of the local authority. The local authority will advise on the benefits they may be entitled to claim. Where a child has a disability, the local authority will support the Special Guardian to apply for all relevant benefits.

All children with a disability continue to be eligible for support from the local authority under s.17 of the Children Act 1989, regardless of whether they were previously in the care of the local authority, or not. The Children with Disabilities Team can support families of a child with a disability, whether they are living with Special Guardians or their parents, with advice, guidance and provision of services, including access to grants i.e. the provision from the local authority, as a result of the child having a disability, is not affected by obtaining a Special Guardianship Order.

In exceptional circumstances relating to unusual and continuing expenses due to the child's illness, disability, emotional and behavioural difficulties or the consequences of past harm, the Council will consider providing a discretionary payment or provide resources to meet the identified needs of the child, the duration of which will be identified at the outset.

The payment of any financial support to Special Guardians of children who have not been in foster care is at the discretion of the Council and is subject to an assessment of need and a financial assessment. It is not intended to remove responsibility from the birth parents to make adequate financial provision for the care and upbringing of their children. It also is not intended to be used in place of other child-related benefits, such as DLA/PIP.

The local authority will be responsible for undertaking a financial assessment and the prospective Special Guardian will be asked to provide financial details as follows:

Where a Special Guardianship Order is made to a member of the child's extended family or other connected person who was not the child's foster carer, a full means test assessment will be completed using the Department of Education (DfE) standard assessment.

The means test assessment requires a statement of household income and expenditure from the prospective Special Guardian. Child Benefit will be deducted, and other benefits (e.g., child tax credit and the child element of universal credit) will be taken into consideration as part of a financial assessment. This is because Special Guardians can apply directly to the Child Benefit Agency and the Department of Work and Pensions for benefits for the child once they hold parental responsibility for the child they are caring for.

The prospective Special Guardian or Special Guardian will need to show the local authority that they have completed a recognised Benefits Calculator, for example Turn2us, to show if they are eligible for benefits.

Financial support may consist of a one-off payment or periodic payments in cases where the Special Guardian is unable to meet the child/ren or young person's needs without financial support.

All requests for financial support must be agreed by Telford and Wrekin's Resource Allocation Management Panel (RAMP). Financial support will not be agreed by Telford & Wrekin Council where it does not agree the placement is suitable or where it deems the circumstances do not meet the criteria for financial support.

Any allowance cannot exceed the equivalent of Telford & Wrekin's standard fostering allowance for the child's age group and will take any eligible state benefits claimed into account (information on the current fostering allowances can be obtained from the Telford & Wrekin fostering service).

e) Housing Cost Contribution

If a Special Guardian has non-dependent adults (over the age of 18 and not in full time secondary education or training) living within the household, the local authority will deduct a Housing Cost Contribution (HCC) from their housing costs in respect of each non-dependent adult. The HCC will follow the rates used in Universal Credit monthly rates, under non-dependent's housing costs contribution, which is usually updated each April.

f) Annual Review of Special Guardian support

All Special Guardians are offered an annual review to determine if the level of support being provided is meeting the needs of the child, Special Guardian, and parent/s to allow the Special Guardian to continue caring for the child.

A financial review **must** take place if the Special Guardian is receiving financial support from the local authority. The Special Guardian has a responsibility to notify the local authority of any changes to their financial situation (whether it has improved, or worsened). If the Special Guardian's financial position has not changed (and they would have a responsibility to inform the local authority of any changes), financial support would remain the same. The Special Guardian will need to confirm the child continues to reside with them and provide evidence that they are claiming all benefits they are entitled to.

The local authority will write to the Special Guardians to give them 28 days' notice that payments will cease if financial information has not been provided and therefore the local authority has been unable to undertake a review within the required timescales. If a Special Guardian is not able to attend a review due to extenuating circumstances, they must notify the local authority as soon as possible.

Once the payment has ceased, should the Special Guardian subsequently provide the financial information requested, then payments will commence from when the evidence has been received by the local authority. Some extenuating circumstances may be considered, such as hospitalisation.

g) Cessation of financial support

Regulation 9 of the Special Guardianship Regulations (Children Act 1989) provides that financial support ceases to be payable to a Special Guardian or prospective Special Guardian if:

- a) the child ceases to have a home with them;
- b) the child ceases full-time education or training and commences employment;
- c) the child qualifies for benefits in their own right; or
- d) the child attains the age of 18 unless they continue in full-time education or training. The support may continue until the end of the first course/ training they are undertaking.

h) Conditions of financial support paid periodically.

Regulation 10 of the Special Guardianship Regulations (Children Act 1989) provides that financial support that is to be paid periodically is not payable until the Special Guardian or prospective Special Guardian agrees to the following conditions:

(i) that they will inform the local authority immediately if:

- the child is no longer in their care;
- there are changes to their address;
- any of the changes mentioned in regulation 9 (see previous section on “Cessation of financial support”) occur; or
- there is a change in their financial circumstance 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 this in writing to the local authority within seven days.

ii) 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 continues to have a home with them.

The local authority should be prepared to provide advice and assistance on completing the forms, on request where necessary.

Regulation 10 provides that the local authority may set any other conditions they consider appropriate, including the timescale within which, and purposes for which, any payment of financial support should be utilised. Where any condition imposed is not complied with, the local authority may suspend or terminate payment of any financial support and seek to recover all or part of the financial support they have over paid.

However, where any condition is not complied with or where there is a failure to provide an annual statement, Regulation 10 requires that the local authority may not take any steps to suspend, terminate or seek to recover financial support until they have sent a written reminder to the person who entered into the agreement of the

need to provide an annual statement; and that 28 days have expired since the date on which the reminder was sent.

9. Principles of support provided by Telford & Wrekin Council.

- There is an expectation that any carer will claim the benefits that they are entitled to. On-going financial support (or that for an agreed period) cannot duplicate any other payments available to a Special Guardian(s) and, therefore, any other available grants, benefits, allowances or resource available as a result of becoming a Special Guardian for a child will be taken into account when assessing the financial support payable. Financial support to assist with specific issues such as therapeutic services or set up costs are not subject to a financial assessment.
- Regulation 9 of Special Guardianship Regulations 2005 provides that financial support ceases to be payable to a Special Guardian if the child ceases to have a home with them, the child ceases full time education or training and begins employment or if the child qualifies in their own right for income related benefits. It is the Special Guardian's responsibility to notify the local authority immediately of any change to their own or the child's address or circumstances.
- Allowances, which have been agreed without a time limit (and continue to be eligible for an allowance at each review), will cease on the child's 18th birthday, unless the local authority is notified in advance that the child is continuing in full time further education or training. In that case, the financial support may continue until the end of the course providing that the course of study commenced prior to the child turning 18.
- The local authority where the Special Guardian lives is responsible for undertaking an assessment of need and provision of any support services in response to that assessment. However, if a child is looked after by another local authority, it is that local authority's responsibility to complete the Special Guardianship assessment and develop the support plan. After a period of three years, responsibility for support transfers to the local authority where the Special Guardian resides although the responsibility to provide financial support remains with the local authority where the child was previously looked after.

10. Leaving Care Provision

Children who were looked after immediately prior to becoming subject to a Special Guardianship Order will also still be eligible for leaving care services in that they will qualify for advice and assistance under section 24(1) of the Children Act 1989, as

amended by the Children (Leaving Care) Act 2000 and the Adoption & Children Act 2002. This is providing that the child:

- a) Has reached the age of 16 but not the age of 21;
- b) If less than eighteen years old, has a Special Guardianship Order in force;
- c) If eighteen years old or above, had a Special Guardianship Order in force when they reached that age;, and
- d) Had been looked after by a local authority immediately before the making of the Special Guardianship Order.

The young person should contact Telford and Wrekin Children in Care and Leaving Care Team at the age of 16 years should they wish to receive further advice and guidance from the authority.

In addition, where the child is, or will be, aged 11 years (i.e. usually in secondary education) at the time the Special Guardianship Order is granted, the young person will be able to request a setting up home grant at a rate commensurate with that which a young person remaining in looked after care would receive (at age 18). The young person will also receive additional financial support if they continue to university, as per the leaving care allowances. However, this does not include university accommodation costs.

This will also apply to any younger siblings in the same household as the young person for whom this applies, where an SGO is granted within the same set of proceedings.

Telford & Wrekin Council operates a Higher Education Grant (which includes some funding from the government's Higher Education Bursary, which is to provide support of up to £2000 for tuition fees. This can be accessed once only (for up to 4 years) at any point between a young person's 18th and 25th birthday. This grant will be payable in equal annual instalments across the duration of the course but will cease when the young person leaves or completes the course.

For further information please contact the Leaving Care Team on 01952 382298 or email cicbso@telford.gov.uk

11. Other support available

Telford and Wrekin is committed to supporting Special Guardians with the following:

- Bi-monthly support groups arranged by the Family and Friends Team to provide an opportunity to meet with other Special Guardians. A guest speaker often attends;
- A referral to the Adoption Support Fund (if the child has previously been Looked After – see below) by the Family and Friends Team where a specific need has been identified for therapeutic support. Further information can be found at: adoptionsupportfund.co.uk
- Advice and additional support from the Family and Friends Team during normal office hours.

Adoption Support Fund (available until March 2025) The ASF is available for children and young people up to and including the age of 21, or 25 with an education, health and care plan, who:

- are living (placed) with a family in England while waiting for adoption
- were adopted from local authority care in England, Wales, Scotland or Northern Ireland and live in England
- were adopted from abroad and live in England with a recognised adoption status
- were in care before an SGO was made
- left care under a Special Guardianship Order that was subsequently changed to an adoption order, or vice versa
- are under a residency order or child arrangement order (CAO) and were previously looked after
- were previously looked after but where the adoption, Special Guardianship, residency or CAO placement has broken down, irrespective of any reconciliation plans

The child is still eligible if they were previously looked after by the local authority and any of the arrangements above have broken down, regardless of any reconciliation plans.

The local authority is responsible for applying to the Adoption Support Fund within three months of assessing the family's needs. This assessment will be undertaken by the Family and Friends Team.

The Government has agreed it will continue to offer support to eligible families until March 2025. More information can be found at <https://www.gov.uk/guidance/adoption-support-fund-asf> or for further information and support call the Family and Friends Team on 01952 387387



For further information about Special Guardianship please contact the Family and Friends Team at Telford and Wrekin Council on 01952 387387.

In preparing this policy, the Council had had regard to the following relevant legislative requirements and statutory guidance:-.

- **Special Guardianship Regulations 2005 (Children Act 1989)**
- **The Special Guardianship Guidance 2017**
- **Children (Leaving Care) Act 2000**
- **Adoption & Children Act 2002**