

How to Guide: Special Guardianship

Application for Special Guardianship as an option for permanence for a looked after child can not be initiated by the Local Authority and must be made by either an interested party (identified in the Adoption and Children Act 2002) or by a Court in the context of Core proceedings. It may also arise as part of private law proceedings.

Where a child is not likely to be rehabilitated to parents, social workers should be ready to discuss SGO with relatives, foster carers, and other interested parties as an option to secure Permanence for looked after children. Accordingly Special Guardianship should be discussed at all LAC Reviews.

The guiding principle should be the Welfare Checklist in section 1 of the Children Act:

- Wishes and feelings of the child;
- Physical, emotional and educational needs;
- The effect of any change in circumstances;
- Age, sex and background;
- Harm suffered or at risk from suffering;
- The capability of the parents.

Anyone notifying the Department of their intention to make an application for Special Guardianship should be advised to give notice in writing to the department. On receipt of a Notice of Application, whether from a foster carer or directly from a court, a report for Court is required to investigate and assess whether or not the applicants will be suitable as Special Guardians.

Acknowledgement should be sent from the department to the Applicant outlining the process to be followed and Legal Services informed of the Application.

Where the department knows a child it will normally be the child's social worker who will complete the report.

The Court Report must include the following information as outlined in detail below and noted in Section 6.2.18, Special Guardianship Policy and Procedure Appendix 2: Schedule to the Special Guardianship Regulations 2005; Regulation 21:

- Information about the child;
- Information about the child's family;
- Information about the prospective special guardian(s);
- Conclusions and recommendations.

Regulation 21 Matters to be dealt with in the Report for the Court.

The Social Worker completes report re: Special Guardianship and books into permanency panel. The report should include a support plan outlining any practical or financial support required by any prospective carers. The report template is available on CASTLE. The following should be considered as part of report:

- a) Arrange for a GP medical report on the Applicant Where the child is a LAC then the department may pay for the medical upon agreement of a manager. Where the child is not a LAC it is the responsibility of the Applicant to arrange payment of his own medical: A summary will be included in the court report;
- b) If the child is a LAC Ensure the child's Medical Reports are up to date. Where the child is not a LAC it is the responsibility of the Applicant to arrange payment of the child's medical: A summary will be required in the court report;
- c) Complete DBS (including identity checks) and reference checks, including a check of the local authority where the child lives, the LA where the Applicant lives (if different) and 3 referees, only one of whom can be a relative of the applicant. These will be summarised in the court report;

- d) If requested, an Assessment of Need in relation to Special Guardianship Support should be completed using an appropriate Core Assessment of the child. Details of the assessment conclusion will be submitted as part of the court report;
- e) Where an assessment of need concludes that support services should be provided, a support plan should be developed, based around the Assessment Framework, as detailed in 6.2.18, Special Guardianship Policy and Procedure;
- f) Consider the Special Guardianship financial Assessment Procedures in all cases where financial assistance is considered necessary to secure the SGO. The Departments Finance Section will assist in undertaking the financial assessment. Note that welfare payments are taken into account, including tax credit and benefit and also child benefit, that is also payable to Special Guardians;
- g) Consider how best to meet the needs identified within the support plan, including reference to external and voluntary agencies;
- h) If education or health services are required, seek the views of the relevant local education authority and the primary care trust. Where the special guardian lives in another local authority area, that authority must be consulted. Views of all parties must be obtained.

Send a copy of the completed plan to the proposed Special Guardian.

You must give 28 days for the proposed Guardian to consider and respond to the plan.

Any representations received must be referred to the service manager who will decide whether to amend or confirm the Plan.

The senior manager must consider the circumstances and make an informed and evidenced decision on the matter.

Send a final copy of the proposed Support Plan to the prospective guardian within ten days.

Send a copy of the agreed support plan to all agencies providing services to the special guardian and / or the child.

A copy should also be sent to the child if of an age to understand this.

Liaise with Legal Services around submission of the report to Court by the date ordered by the court. However if no date has been provided this should be submitted fourteen days before the hearing date.

Reviews of the Special Guardianship Support Plan should be conducted whenever there is a change of circumstance affecting the support, at whichever stage of implementation is it considered appropriate and in any event at least annually. A significant change in circumstances should trigger a new assessment of need:

- Reviews should not be intrusive but commensurate with need;
- Where urgent need is required this can be provided in appropriate cases subject to agreement by the Service Manager.

Where support is financial only an annual review is considered appropriate when a new assessment of financial eligibility should be made.

Note that the department's policy for supporting foster carers who assume responsibility for looked after children in their care contains special provision for extending financial support previously received by the foster care. However there are limitations to this and each case must be considered individually within the policy.

A child who is aged 16 – 21 at the time an order is made is eligible for Leaving Care Support.

For looked after children the LA who last looked after the child is responsible for the assessment and provision of SG Support for 3 years from the making of an Order, and for indefinite financial support.

In all other instances, including where 3 years have elapsed, responsibility for assessing and providing support services lies with the authority where the Special Guardian lives.