**FINANCIAL POLICY FOR SPECIAL GUARDIANSHIP ORDERS, ADOPTION AND CHILD ARRANGEMENTS ORDERS**

**June 2019**

**(Review June 2020)**

1. PURPOSE OF THE POLICY

1.1 The policy sets out the context in relation to the authorisation of non-statutory allowances in relation to SGO, Adoption and Child Arrangement Orders.

2. GUIDANCE NOTE

2.1 Any identified needs which require the resources of another agency such as Health or Education **must** be agreed with the relevant agency prior to finalising the child’s Plan.

2.2 Any identified social care resource with cost implications **must** be agreed by the Agency Decision-Maker (ADM) as part of the decision-making process.

2.3 Wherever possible, the needs of the child, Applicants and or Birth Parents should be met through the provision of a universal or specialist service available to any child or adult requiring that service in the community. Where a service is available within the community the applicant should be signposted to that service and be provided with assistance to access the service.

2.4 Where an Applicant or Birth Parent lives outside of the Wirral and are therefore not eligible for a Wirral service every effort should be made to signpost the child, applicant or birth parent to a relevant service in the area in which they live.

3. FINANCIAL ASSESSMENT

3.1 All applicants will subject to an initial financial assessment to determine that they are financially solvent and are in a suitable financial position to support a child/children being placed with them.

NB. **Completing the initial financial assessment does not indicate eligibility for a financial contribution from the Local Authority.** [The Department for Education (DfE) means tested formula of average spending by income (plus 20%) will be used as a benchmark to assess financial circumstances.]

3.2 As part of the financial assessment, the local authority will consider;

* The financial resources – including investments of the applicant;
* Incomings and outgoings of the applicant; and,
* The needs of the child or young person.

3.3 The financial information that is required for the means test should be gathered using the **Financial Assessment Form.**

3.4 The decision as to whether to provide financial support to an applicant must be granted by the ADM. It is likely that financial support will only be provided in very **exceptional circumstances**.

3.5 To be assessed for financial support each applicant must provide details of their current income and expenditure. The information provided will be inputted into the DfE calculator. The calculator will establish the amount to be paid prior to any financial allowance being agreed.

3.6 Payment of financial support will be subject to certain conditions which will be detailed at the point that support is granted/ reviewed. This will include (but is not limited to):

1. The child attending school,
2. Biannual reviews in the placement (these will be tied in with the school annual review where possible),

3.7 All financial arrangements will be reviewed on an annual basis and can be removed or changed based on a change of circumstance.

3.8 Decisions to remove or change financial arrangements **must** be made by the ADM.

3.9 In addition to the annual review, financial support may also come to an end under the following circumstances:

* The child ceasing to have a home with the applicant;
* The child dying;
* The child ceasing full-time education or training and commencing employment;
* The child qualifing for Income Support or Jobseeker’s Allowance in their own right;
* The child attaining the age of 18 unless they continue in full time education, when it may continue until the end of the course or training being undertaking.

4. COVERING LEGAL APPLICATION COSTS

4.1 In very exceptional circumstances, Wirral Borough Council may contribute to initial legal costs where it is in support of the application and it is deemed to be a suitable alternative to care proceedings.

4.2 Any decision to contribute to the legal costs of an application **must** be made by the ADM.

4.3 The following criteria must be met if the local authority is to cover applicant legal fees:

1. The Applicant is not eligible for legal aid;
2. There are clear grounds for care proceedings; and,
3. The application is part of a Plan made at a Child Protection Conference, Looked After Review or Legal Planning Meeting and is supported by the Chair of the relevant meeting above.

4.4 Any contribution to legal fees will be at legal aid rates and must be agreed by the ADM.

4.5 Where legal costs are agreed, the social worker should request a letter from the Council’s Legal Department confirming the local authority’s contribution. The letter should be provided to the applicant in a timely manner to enable them to instruct a solicitor and consult with them regarding the outcome of the Assessment Report and where applicable proposed Support Plan.

5. COVERING COSTS AFTER GRANTING OF AN APPLICATION

5.1 In exceptional circumstances, Wirral Borough Council may also contribute to future legal costs that are associated with the Order to continue to support the existence of the order, where it is appropriate.

5.2 Any contribution to legal fees will be at legal aid rates and **must** be agreed by the ADM.

5.3 Once agreed the social worker should request a letter from the Legal Department confirming Wirral Borough Council’s contribution. This letter should be provided to the applicant in a timely manner.

6. REVIEW OF FINANCIAL ARRANGEMENTS

6.1 All financial arrangements discussed throughout the remainder of this policy will be reviewed on an annual basis, and must be approved by the ADM.

6.2 Applicants are expected to comply with an annual review of their allowance for the duration of the order and to confirm the child remains in their care.

6.3 Following the outcome of the review and annual means test, the amount of ongoing financial support may be adjusted. This must be agreed by the ADM.

6.4 A Financial Assessment form and a Review Letter will be sent annually to all applicants in receipt of financial support. Applicants should return their completed financial assessment form within 28 days of receipt.

6.5 Wirral Borough Council may suspend any allowance if the requested information, or a valid reason, is not provided by the applicant with the required time frame.

6.6 A reminder will be sent after 28 days giving the applicant a further 7 days to return their completed form, or to provide Wirral Borough Council with a reason for the delay. The letter will also clearly outline the date that Wirral Borough Council proposes to suspend payment should the requested information not be received.

6.7 Any significant change in allowance (other than that resulting from a change for relevant age-related allowance) must be approved by the ADM, prior to confirming the decision to the applicant.

6.8 A formal decision letter will be sent out to inform the applicant of the outcome of the means test within 2 weeks.

7. CHANGES IN CIRCUMSTANCES

7.1 Applicants are required to inform Wirral Borough Council of any changes to their financial circumstances within 14 days.

7.2 On receipt of notification of a change to financial circumstances, the ADM will review the payment and the level of payment made.

7.3 Any significant positive changes to the financial circumstances of the household are likely to result in the ADM changing in the level of allowance that is awarded.

7.4 A review of the payments may also be initiated if:

* The Local Authority becomes aware of any significant changes in the circumstances of the family; and/or,
* The applicant notifies the Local Authority of any significant changes or requests an earlier review.

7.5 If applicants fail to inform the council of any changes to their financial circumstances; Wirral Borough Council reserves the right to seek a reimbursement of payments made to them, in any circumstances where the change in financial circumstance would have resulted in a reduction in the level of financial support.

8. ADDITIONAL FINANCIAL SUPPORT

8.1 Support based on applicant’s circumstances

In exceptional circumstances, the ADM may decide that the best possible outcome for a particular child is to be placed with an applicant who may need short term financial support to meet the requirements of the financial assessment.

On such an occasion, if the applicant can demonstrate a longer term positive financial situation, an ADM decision may be made to provide short term financial support to the applicant at the point an order is granted. Such financial support will either be in the form of a one-off payment or via a schedule of regular payments.

8.2 Support based on child’s needs

In exceptional circumstances, the ADM may decide that the child being placed has additional needs which warrant financial support from the local authority. Details of how this support will be provided and under which circumstances are detailed under each type of placement below.

9. SPECIAL GUARDIANSHIP ORDERS

9.1 Regulation 13 (C.A 1989 S.G regulations 2005) outlines the expectation that special guardians should access the benefits that they are entitled to and that the role of local authorities is to be facilitative in this process. It also stipulates that any financial support made to special guardians under these circumstances should not duplicate any other payment that they receive.

9.2 Wirral Borough Council will take account of any other grant, benefit, allowance or resource available to the person in respect of his needs as a result of becoming a Special Guardian of a child.

9.3 Financial support cannot duplicate any other payment available to the Special Guardian.

9.4 Applicants should be aware that if they are in receipt of/eligible for Universal Credit/Child Tax Credits/Child Benefit this amount will be deducted from their Special Guardianship payments within 8 weeks of becoming a Special Guardian.

9.5 Applicants will be expected to claim such any other benefits themselves.

**Table 1: Weekly Special Guardianship payments by age range**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Age** | **Food** | **Clothing** | **Transportation** | **Personal** | **Household** | **Total** |
| 0-1yr | £46.50 | £30.09 | £10.94 | £8.21 | £41.03 | £136.77 |
| 2-4yrs | £47.60 | £30.80 | £11.20 | £8.40 | £42.00 | £140.00 |
| 5-10yrs | £49.28 | £40.04 | £10.78 | £12.32 | £41.58 | £154.00 |
| 11-15yrs | £56.52 | £45.92 | £19.43 | £17.66 | £37.09 | £176.61 |
| 16+ | £61.71 | £53.48 | £18.51 | £34.97 | £37.02 | £205.69 |

9.6 Special Guardians who have completed their skills training, before, or within the assessment period, will receive their skills banding payment, in addition to the above, for two years after the order has been granted. After two years their skills banding payment will no longer be payable.

9.7 Special Guardians who have not completed skills training will receive the amounts in Table 1 only and will not be eligible for any additional skills payments.

9.8 Eligible applicants who are currently Foster Carers to the child would receive an allowance equivalent to the band they are presently receiving.

9.9 All agreed allowances will increase in line with the age-related increments of the child at the time of the annual review and may be adjusted in line with inflation.

9.10 In exceptional circumstances, the ADM may decide that the child being placed has additional needs which warrant financial support from the local authority. Such needs may include (please note this list is not exhaustive):

* an illness/disability which requires the family to obtain support in excess of what central government allowances would cover in this instance.
* A child requiring an additional tutor to support them to achievable a suitable standard of education.
* Substantial travel arrangements required to maintain relationships with extended birth family.

10. REMUNERATION FOR FORMER FOSTER PARENTS

10.1 Where the applicant previously fostered the child they are applying for Special Guardianship of, and they received remuneration in the form of financial support paid to them as the child’s foster parent, in exceptional circumstances, the local authority may continue to pay remuneration for a transitional period of 2 years from the date of the Special Guardianship Order.

10.2 This may continue for longer than 2 years if the local authority considers the case to be exceptional.

10.3 The decision to include remuneration must have been taken before the making of the Special Guardianship Order and can only be made by the ADM.

11. CHILD ARRANGEMENTS ORDERS

11.1 Where child arrangements orders are in place, the ADM may decide that the child being placed has additional needs which warrant financial support from the local authority. Such needs may include (please note this list is not exhaustive):

* an illness/disability which requires the family to obtain support in excess of what central government allowances would cover in this instance.
* A child requiring an additional tutor to support them to achievable a suitable standard of education.

11.2 Any decision to provide financial support for child arrangement orders will be made by the ADM.

12. ADOPTION

12.1 **NB. Adopters are only approved if they are assessed to be financially able to support a child. Adoption allowances are based not on the needs of the adopter but on the needs of the child.**

12.2 If a child has significant additional needs which may mean achieving adoption is difficult, or they are one of a large sibling group where this characteristic exists, an adoption allowance may be granted.

12.3 Any decision to grant adoption allowances for the circumstances indicated above must be made by the ADM.

12.4 If allowances are not agreed at the initial ADM for the child, then an allowance is not automatically payable.

12.5 Such allowances will not automatically be ongoing payments until the child reaches age 18 and will be subject to annual review.

12.6 The only other time a time limited adoption allowance may be considered is by the ADM, at the point of matching, if there are specific criteria which suggests that the allowance is necessary. This must be agreed with the ADM, prior to discussing with prospective adopter. An example of this would be a child who has found it difficult to settle and was receiving additional therapeutic support and the adoptive carer wanted to take an additional six months adoption leave but could not do this because their finances would not allow.

12.7 In exceptional cases, as outlined above, the ADM will consider whether an adoption allowance could be paid for a short-fixed term.

12.8 All cases for Adoption allowances at the matching stage should be made by report to the ADM and should detail:

1. what the circumstances are why the funding is necessary
2. how long it will be in place for

12.9 Agreeing an adoption allowance at the matching stage will be on a rare occasion and not the normal way to consider whether an adoption allowance is payable.

13. REMUNERATION FOR FORMER FOSTER PARENTS

13.1 Where the adopter previously fostered the child they are adopting, and they received remuneration in the form of financial support paid to them as the child’s foster parent, in exceptional circumstances, the local authority may continue to pay remuneration for a transitional period of 2 years from the date of the adoption order.

13.2 This may continue for longer than 2 years if the local authority considers the case to be exceptional.

13.3 The decision to include remuneration must have been taken before the making of the adoption order and can only be made by the ADM.

APPENDICES

For a Visual Representation of the Financial Process for Special Guardianship, Child Arrangements Orders and Adoption please see Appendix 1.