

SPECIAL GUARDIANSHIP

Information for Foster Carers



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Why Take Out a Special Guardianship Order and What Will It Mean?



Special guardianship arrangements can have beneficial aspects for children and young people as they have a sense of belonging. A child or young person will have the stability and security of knowing that they will stay with you until they are 18 years old, or longer.

As a Special Guardian, you can make the day-to-day decisions about schooling and health care and the child or young person's leisure and social activities, as any parent. Unless agreed otherwise, the child will no longer have a Social Worker and all statutory visits such as Looked After Reviews and Personal Education Plans will end.

The making of a Special Guardianship Order (SGO) offers a positive permanent family option for some children or young people and you as their carer. A SGO gives your child legal and emotional permanence, to live with you, and for your child to have happy and positive relationships with you and your family.

A Special Guardian is an adult who cares for a child in their home when it is not possible for the child to stay with their parent or current carer.

If the Order is made, the Special Guardian will be expected to make a long-term commitment to the child. Only a Court can make a Special Guardianship Order. If things change, then it is only the Court who can end a Special Guardianship Order.

Parents will still have a legal link to the child if this Order is made and they will keep Parental Responsibility for the child. The Special Guardian will make day to day decisions about the care of the child, and any final decisions on their care.

The Special Guardianship Order lasts until the child reaches the age of 18.

To become a Special Guardian, the person will need to be assessed by a Social Worker as suitable to care for the child until they reach the age of 18.

When a Special Guardianship Order is granted, the child or young person stops being looked after, the Care Order or Interim Care Order will end and parental responsibility transfers to you.

Financial support will cease if the child leaves your home, the young person ceases full-time education or training and starts employment, the young person qualifies for benefits or the child reaches the age of 18.

What to expect from the process

The journey

If your foster child has indicated to their social worker that they are feeling happy and settled in their home with you, it could be in the best interests of the child to explore the idea of a Special Guardianship arrangement. Every situation is different, but the process may broadly look like:

1. **Initial conversations** will take place between the child's social worker, your supervising social worker and you (the carer) about the possibility of an SGO and what this would mean
2. You'll be made aware that you can access **independent legal advice so that you have a fuller understanding of what the order means for you and your foster child**
3. Following that legal advice, if you decide that you wish to be assessed for this, the proposed change of care plan will be discussed at the child's statutory Looked After Review as the Independent Reviewing Officer will also be required to quality assure the plan.

4. You will receive some **financial paperwork by post** to fill in and return. Usually, this documentation will outline your SGO allowance. Under specific circumstances, for example if you're a carer with an independent fostering agency, this will involve providing documents that show your current allowance, followed by discussions to determine the future level of financial support for the child you care for, minus the child benefit and any other benefits the child is eligible to. You will need to have a full understanding of the amount that you will receive, and this will need to have been agreed by the time of the court hearing.
5. **Support services assessment and plan:** through discussion with you and others involved with your foster child, the child's social worker and your supervising social worker will assess what support the child and your family need and will write an SGO Support Plan to ensure all their specific needs are considered. They will also need to complete a detailed report for court which is likely to take several months, and there will be ongoing discussions with you throughout. The report will outline the child's family circumstances, how their needs can be met with you and why an SGO with you is a better alternative to them remaining as a child in care. It will also address how time with their birth family will be managed following the granting of the order.
6. The child's social worker will complete an application for an SGO and file it with the court along with the assessment and support plan.
7. You'll **attend a court hearing**. These can vary in timescales depending on the complexity of the situation. Evidence will be presented, including the agreed support package, and the court will decide whether to discharge the care order and grant the special guardianship order.
8. If granted, the SGO support plan will begin immediately. This will include the agreed financial arrangements, and any transitional or ongoing support which was decided upon. **These arrangements will continue as specified in the plan** and agreed in court (e.g., until the child is 18)

Who is involved

Your foster child's wishes, feelings and best interests will be at the centre of the process. If the Special Guardianship Order is pursued, the views of the child's parents will also be sought and they will be invited to attend the court hearing. The judge can disregard the views of the parents if they do not think they represent the best interests of the child.

Your foster child's social worker and your supervising social worker will be involved throughout the process. The independent reviewing officer will be aware that a Special Guardianship arrangement is being explored and will give their input to the child's social worker.

Financial Support, Fees and Allowances

We are committed to assisting and resolving any practical and financial barriers to enable you to enter a Special Guardianship arrangement. As all circumstances are different the social workers can speak with you about the changes when caring for a child under an SGO. Additionally, our welfare rights team can help advise you on the benefits you are entitled to and how to claim them; more information can be found here <https://www.derbyshire.gov.uk/social-health/adult-care-and-wellbeing/benefits-debt-and-legal-matters/welfare-benefits/welfare-benefits.aspx>.

Legal Fees

The Council will provide financial support so that you can have a consultation session with an independent legal advisor before applying for a Special Guardianship Order. This will help you to consider the impact of taking on a SGO in relation to your specific circumstances. The cost of this consultation session will be provided up to a value of £250.

In situations where birth parents make a legal application contesting contact or request the revocation of an SGO, we consider any reasonable requests to assist you in obtaining legal advice.

Support Services Assessment and Plan

The child's social worker and your supervising social worker will assess what support the child and your family need and will write an SGO Support Service Plan to ensure all the child's specific needs are considered. This will include ongoing Special Guardianship payments.

Allowances

When your foster child's plan is being explored as living with you under a Special Guardianship arrangement, we will ask you to complete some financial forms, which are not a means test. Under normal circumstances, the SGO payment that you receive will be based on the fostering allowance



and will increase in line with the Derbyshire County Council Fostering rates minus child benefit and 80% of child tax credits (also known as Child Element). You will also receive birthday, festivity and holiday allowances in line with fostering amounts for the first two years of the Special Guardianship arrangement. Under specific circumstances, which includes non-Derbyshire County Council foster carers, the financial forms will be different as we will need to gather more information from you (not a means test), which will inform discussions regarding your future allowance.

Discretionary payments

We will consider the making of one-off financial contributions when facilitating adjustments to care for the child or in specific or exceptional circumstances.

Children and young people with a disability



You may be eligible to claim additional allowances. Our welfare rights team can advise you on the benefits you are entitled to and how to claim them; more information can be found here www.derbyshire.gov.uk/social-health/adult-care-and-wellbeing/benefits-debt-and-legal-matters/welfare-benefits. For clear, complete and up-to-date information about the available provision in Derbyshire for children and young people aged 0 to 25 with special educational needs or disabilities, visit The Local Offer at www.localoffer.derbyshire.gov.uk

Going to University

Where the young person remains living with you, Student Finance England view them as being independent and they will qualify for the same package of support from Student Finance England as care leavers. Some universities will also give the same bursary as care leavers. More information can be found here <https://www.ucas.com/undergraduate/applying-university/individual-needs/ucas-undergraduate-care-experienced-students#what-support-can-care-experienced-students-get-in-higher-education>. As a former Special Guardian your financial circumstances are not assessed or taken into consideration.

Support

Early Help

There is a range of support you and your family can access if you need it, reached initially via Call Derbyshire on 01629 533190. Our early help teams work in partnership with schools, health and other universal support teams who can

offer information, advice and practical support. Requests will be triaged, and the locality early help teams will work with local partners to provide the most appropriate level of support.

Contact with birth family

Contact arrangements will always be based on what is in the best interest of the child or young person. This will be addressed within the SGO assessment and the arrangements for family time will be detailed in the SGO support plan. The child's social worker will discuss this thoroughly with you and will provide mediation and meetings if appropriate between you and the child's parents

Where direct supervision of contact is required, this will normally be provided by you or sometimes by a third party, agreed in advance. These arrangements will remain under review and could change with the child or the parental circumstances.

Leaving Care Provision

The young person will have 'Qualifying Care Leaver' status meaning that they will qualify for advice and assistance from the Leaving Care Service. They can get support on accessing higher education, as well as advice and help.



This could mean the team refers the young person to other specialist services, or that they keep in contact with them. For the contact details of our Leaving Care Service teams, please see <https://www.derbyshire.gov.uk/social-health/children-and-families/children-we-look-after/leaving-care/leaving-care-service.aspx>

Therapeutic Support

Your child will be provided with a life story book. Where your child or young person requires very specific or longer-term therapeutic support, this will be included in the Support Plan and information will be provided to you regarding how to make an application to the Adoption Support Fund.

Where it is assessed that your child or young person would benefit from a therapeutic intervention after the SGO has been made, a review and reassessment of the SGO can be requested at any time.



Reviewing Support

An annual review will be carried out with you to complete a statement to confirm that you are continuing to care for your child, at your same address.

Special Guardians living outside of Derbyshire

For the first three years after the Order is made, the Council is responsible for the assessment and provision of the support services; this is to ensure there is continuity for both your child and you and your family.

When the three-year period from the making of the Special Guardianship Order has expired, the Local Authority where your child or young person lives is responsible for assessing and providing support services. We may provide services to people outside of the area, if considered appropriate. Derbyshire County Council will continue agreed payments for the duration set out in the SGO Support Plan.

