**6.2.19 Special Guardianship Financial Support Policy – Local Guidance**

**SCOPE OF THIS CHAPTER**

This chapter provides local guidance, including the principles of support and how time limited or on-going weekly Special Guardianship Order Allowances are calculated, agreed and reviewed.

**RELEVANT GUIDANCE**

[**6.2.14 Applications for Special Guardianship Orders**](http://www.proceduresonline.com/somerset/cs/chapters/p_app_spec_guard.html)

[**5.1.5 Permanence Planning Guidance**](http://www.proceduresonline.com/somerset/cs/chapters/g_perm_plan.html)

[**5.7.1 Somerset Leaving Care - Transition to Adulthood**](http://www.proceduresonline.com/somerset/cs/pdfs/somerset_leave_care.pdf)

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**1. Special Guardianship Assessments**

**1.1 Prior to Special Guardianship Order being made**

The child’s allocated social worker will undertake the Special Guardianship Assessment and create a support plan. The worker includes a financial statement of the carers’ income and expenditure. This constitutes the \*standard financial assessment information required for all cases.

*\*Please note the full financial assessment is only completed where cases meet the criteria and where agreement is obtained through the Permanence Panel.*

Where a child is currently known to Somerset Children’s Social Care, is/has been in the care of Somerset County Council or subject to a child protection plan in Somerset within the last 2 years **and** the Special Guardianship application **is** supported by the authority, the authority will devise a support plan which includes consideration of financial support as a one off payment or for an agreed period.

In other cases, where an applicant requests assessment for a support plan, an assessment will be carried out, including consideration for financial support (see sections 1.2 and 1.3 below).

**1.2 Private Law – Where Prospective Special Guardians make Applications Directly to the Court**

If requesting financial support from the local authority, those intending to make applications to be Special Guardians should make contact **at the same time as making the court application** to:

* 1. The local authority where the prospective Special Guardian is resident if the child is not looked after.
  2. The local authority who is responsible for the child if they are looked after.
  3. The local authority may also receive notice of an individual’s intention to make an application for a Special Guardianship Order from solicitors acting for the applicant.

A Child & Family Assessment must be undertaken to assess needs and eligibility except where it is agreed immediately by the Strategic Manager – Child Placement and Resources that the criteria is clearly met.

If eligibility for on-going financial support (or that for an agreed period) is agreed, the Senior Business Support Officer – Central Support will then undertake a full financial assessment (please refer to Sections 1.1 and 3.1).

**Financial support will not be agreed by Somerset County Council where the authority does not agree that the placement is suitable or where the authority deems that the circumstances do not meet the criteria for financial support.**

**1.3 Requests for Financial Support after the Special Guardianship Order was made**

In order to provide accurate information about special guardianship support services a family might access in Somerset, First Response/allocated social worker must first establish which local authority is responsible for supporting the family. Please also refer to: [Applications for Special Guardianship Orders](http://www.proceduresonline.com/somerset/cs/chapters/p_app_spec_guard.html).

They should:

1. Confirm when the Special Guardianship Order was granted;
2. Confirm whether the child was looked after immediately prior to the Special Guardianship Order being granted and if so which local authority was the corporate parent;
3. Confirm whether the child is in receipt of a Special Guardianship Allowance or other financial support from any other local authority.

If deemed that **no** other authority is responsible:

* Provision of information and advice can be provided without undertaking an assessment.
* A Child and Family Assessment must be undertaken to assess needs and eligibility except where it is agreed immediately by the Strategic Manager – Child Placement and Resources that the criteria is clearly met.
* If eligibility for on-going financial support (or that for an agreed period) is agreed, the Senior Business Support Officer – Central Support will then undertake a full financial assessment (please refer to Sections 1 and 3.1).

**Any financial or practical support that is agreed will only be payable / provided from the date that the request for support is made, not backdated to the date of the order.**

**2.** **Principles of Support Provided by Somerset County Council**

* On-going financial support (or that for an agreed period) cannot duplicate any other payments available to a special guardian(s) and account will be taken of any other grants, benefits, allowances or resource available to the special guardian(s) as a result of becoming a special guardian(s) for a child. There is an expectation that any carer will claim the benefits they are entitled to. A full financial assessment will take these resources/benefits/allowances into account when calculating financial entitlement.
* Support services should not be seen in isolation from universal or targeted services and it is important to ensure that families are assisted in accessing these services, where appropriate and are aware of their entitlements to tax credits and income related benefits.
* Financial support to assist with specific issues such as; therapeutic services or set up costs are not subject to a full financial assessment.
* On-going financial support (or that for an agreed period), remains the responsibility of the Somerset County Council for the whole term of the agreement providing that the Special Guardianship arrangement continues to meet the criteria for receiving payments.
* 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 him/her, the child ceases full time education or training and begins employment or if the child qualifies in his own right for income related benefits.
* It is the carer’s responsibility to notify the Senior Business Support Officer – Central Support immediately of any change in the carer’s and/or child’s address or circumstances.
* Weekly 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 Senior Business Support Officer – Central Support 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 the course of study commenced prior to the child turning 18. In these circumstances the Post Adoption Support Team complete an assessment which is sent to the Strategic Manager – Child Placement and Resources for their approval.

**3. Calculation of On-going or Time Limited Weekly Allowances**

**3.1 Special Guardian who was not the Child’s Foster Carer**

Where a Special Guardianship Order is made to a member of the child’s family or other person who was not the child’s foster carer, a full means tested assessment is completed based on the Department of Education (DfE) standard assessment. However the council sets it’s own maximum allowances as set out below.

The **MAXIMUM** annualallowance payable is:

100% of Somerset County Council’s weekly Special Guardianship Allowance for the child’s age group (equivalent to Somerset’s standard weekly Fostering Allowance for the child’s age group);

* less Child Benefit to be claimed for the child;
* less Child tax credit/universal credit (child element excluding any disability premium) to be claimed for the child;

Payable for 52 weeks a year (or the number of weeks in the agreed payment period if agreed for less than one year).

**Any benefit entitlement must be explored and claimed.**

**This is subject to annual increases at the same percentage as increases to Somerset County Council’s Fostering Allowance and**

**3.2 Special Guardian who was the Child’s Foster Carer**

Where the Special Guardianship Order is made to the child’s approved foster carer the annual payments that the carer will receive:

1. For the first 2 years following the date of the Special Guardianship Order

100% of the weekly Special Guardianship Allowance - equivalent to the same standard weekly Fostering Allowance received as a foster carer for that child including the fee-based element;

Less weekly Child Benefit to be claimed for the child;

Less weekly Child tax credit/universal credit (child element excluding any disability premium) to be claimed for the child;

Payable for 52 weeks a year.

**Any benefit entitlement must be explored and claimed from the point the order is made/their entitlement starts.**

**The allowance is subject to annual increases at the same percentage as increases to Somerset County Council’s Fostering Allowance.**

1. Beyond 2 years of the Special Guardianship Order being made

Any allowance to be paid after the first 2 years is subject toa full means tested assessment using the DfE standard assessment.

The **MAXIMUM** annualallowance payable is:

100% of the weekly Special Guardianship Allowance - equivalent to the same standard weekly Fostering Allowance received as a foster carer for that child;

* less Child Benefit to be claimed for the child;
* less Child tax credit/universal credit (child element excluding any disability premium) to be claimed for the child;

Payable for 52 weeks a year.

**Any benefit entitlement must be explored and claimed from any point that the carer’s financial circumstances change.**

**The allowance is subject to annual increases at the same percentage as increases to Somerset County Council’s Fostering Allowance.**

**The maximum standard weekly allowance payable within the first 2 years may be extended beyond this time where considered appropriate.**

**This must be agreed by the Strategic Manager – Child Placement and Resources prior to the order being made.**

**4. Agreement Process for Special Guardianship Allowances**

Consideration of financial support as a one off payment or for an agreed period will be determined and agreed by the Permanence Panel or Strategic Manager – Child Placement and Resources.

Where an on-going Special Guardianship Allowance is requested, the Permanence Panel or Strategic Manager – Child Placement and Resources must formally agree to financially assess and notify the Senior Business Support Officer – Central Support who will then contact the carers, conduct a full financial assessment using the Department for Education (DfE) standard financial assessment.

The Senior Business Support Officer – Central Support will inform the social worker of the outcome of the financial assessment for inclusion in any Court Special Guardianship Order report and support plan.

**5. Reviewing On-going Special Guardianship Support and Allowances**

* The financial review of Special Guardianship allowances is undertaken annually for the term of the agreement by the Senior Business Support Officer – Central Support by means of a review form being sent to the Special Guardians for them to complete and return with evidence as requested.
* Where there is a significant change in the child’s needs or circumstances a C & F Assessment may be undertaken by a social worker including a recommendation of continuation, increase or cessation of practical and/or financial support.
* Payments will be suspended if the Special Guardian fails to submit the required financial review form and evidence when requested, but only after a reminder is sent and then 28 days written notice is given by the Senior Business Support Officer – Central Support.

**6. Legal Costs – Special Guardians**

Where a child is in the care of the local authority or subject to a child protection plan and the Special Guardianship application is supported by the authority, the authority will, if Legal Aid is not available, pay up to:

£150 plus VAT for initial legal advice.

£200 plus VAT for further legal advice once the SGO assessment and the support plan have been drawn up, if the SGO assessment is positive.

**Approval for payment of this support must be sought, in advance from the relevant Area Operations Manager.**

If legal costs are sought for representation at court, a request must be made in advance of the hearing and the local authority will consider those and any sums payable on a case by case basis. This would be dependent upon legal costs associated with the Special Guardianship application up to an amount deemed reasonable by the Council’s legal representative, bearing in mind the facts / complexity of the case and any sums payable would be based on Legal Aid rates public funding rates.

**The authority will not meet the legal costs associated with a Special Guardianship application if the authority opposes the application and will not usually meet the associated costs if the child who is the subject of the application is not in the care of the authority or subject to a child protection plan.**

**7. Leaving Care Provision**

Please see [Somerset Leaving Care - Transition to Adulthood](http://www.proceduresonline.com/somerset/cs/pdfs/somerset_leave_care.pdf).