**Special Guardianship**

* **Special Guardianship** is a legal order appointing one or more individuals to be a child’s Special Guardians.
* It is intended for children who cannot live with their birth parents and would benefit from a legally secure placement.
* It lasts until the child is 18 years old and cannot be terminated without the court’s consent.

**How Special Guardianship works**

* As a Special Guardian, you will have responsibility for all aspects of caring for the child until they are 18.
* Special Guardianship Orders transfers nearly all legal Parental Responsibility for the child to you so that you can make decisions about their welfare. Although it may be appropriate to discuss some decisions with the child’s parents you make the final decision.
* Special Guardianship does not alter the legal relationship between the child and their parents, sisters, brothers and other relatives.
* Special Guardians will receive guidance regarding the frequency and nature of contact between the child and their birth family. Sometimes this comes in the form of a legal order.
* The Local Authority ceases to be involved once a Special Guardianship Order has been made unless the Support Plan or the court requires it.

**What Special Guardians cannot do**

* Special Guardians cannot remove the child from the UK for over 3 months without the parents’ consent or that of the court
* You cannot have the child adopted without their consent or that of the court
* You cannot change the child’s name without their consent or that of the court

**The Assessment Process**

**Background checks**

You will be asked to give written consent for background checks including

* health, education and local authorities where you have lived
* Employment references for past and present jobs
* Children’s Services check on your children
* Disclosure and Barring Service check on all household members aged 18 or over (formerly known as Criminal Record Check)
* You will need to provide details of three referees who are willing to complete a written reference and be interviewed by the social worker.
* Ex-partners: if you have lived with, married or had a child with a former partner we will seek a reference regarding your suitability to care for another person’s child.
* You will undertake a full medical.

**Completing the assessment**

* The assessing social worker will interview you and your partner six to eight times (sometimes more).
* We look at your past experiences, your present situation and how being a Special Guardian would affect you, your family and the child.
* We explore your understanding of the child’s background and the harm they have suffered, how you will meet those needs now and in the future and how you will manage contact safely with their birth family.
* We may need to see you with the child you are applying to care for
* We will ask to see round your house
* We will need to interview your children (if old enough) including adult children.
* We will need to interview all members of your household
* We will need to meet your pets and assess their possible impact on the child

Although this can feel intrusive it is essential that we gather all relevant information in order to make the right decision for the child and you.

All information is kept on a confidential database

**Recommendation**

The report ends with a recommendation to the court as to whether you should be considered as the child’s Special Guardian if they cannot live with their parents.

**Support plan**

If the outcome of the report is positive, a support plan will be drawn up. This considers the needs of the child, you, your family and the child’s family. See below.

**Corrections**

When the report is complete we will ask you to read it and make factual corrections

**Redaction**

You will be asked what information you would like to have removed before the report is shared with the child’s parents. This is subject to the judge’s discretion

**Help and Support that Torbay will offer:**

* Advice, mediation and support on new or existing arrangements for children, Special Guardians and parents.
* Assistance, including mediation services, in relation to contact 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
* Financial Support
* Counselling, advice and information
* Access to support groups
* Therapeutic services for the child
* Training for the Special Guardian to meet the needs of the child and for the purpose of ensuring the continuance of the relationship between the child and his/her special guardian

**Financial support**

**Means-tested Special Guardianship Allowance**

We will carry out a means-tested financial assessment to see whether you are eligible for an allowance. You will need to provide evidence of your income, expenditure, savings and loans. Child Benefit will be deducted as you will be expected to claim this if you are appointed. The allowance will be reviewed regularly and may alter if your circumstances change. It is paid until the young person reaches 18 years of age or, if still in statutory education, the 31st of July the year that they were 18 years of age.

**Benefits**

Special Guardians can apply for Child Benefit, Child Tax credit and any other benefits such as disability benefits that may be appropriate.

