

**Bristol City Council: Special Guardianship** **No Detriment Pilot Policy**

This policy sets out the offer the Local Authority will make current Bristol City Council Foster Carers who are caring for children identified to move to Special Guardianship as part of the ‘No Detriment’ pilot. The Pilot which will initially be for 36 children and will enable foster carers identified as eligible for the pilot to be supported to achieve **permanent** caring arrangements through a Special Guardianship Order. Children and carers who have been identified as eligible for this pilot *if* the child’s care plan is permanent care with their current foster carers, the carers have been recommended to progress to Special Guardianship assessment by their supervising social worker and a move to SGO is in line with the carers and child’s wishes (depending on their age and understanding).

**Special Guardianship Allowance**

Foster carers who become Special Guardians as part of this pilot will receive a Special Guardianship allowance from BCC equivalent to their current payments of age-related fostering allowances and fees (fees frozen at the point of agreement) until the child is 18 years old, less any holiday, birthday and festival allowances and any duplicate payments that are made through benefits and tax credits.

Payments are exempt from tax under the ‘qualifying guardians’ exemption. Allowance payments are not treated as income from self-employment but do need to be declared on a self-assessment tax return. They are also ignored when calculating tax credits, housing benefit or any other means-tested benefit. This must be agreed before the special guardianship order is made to facilitate arrangements for the foster carer to become a Special Guardian for that child.

In accordance with the Special Guardianship Regulations, the Local Authority will continue to pay former foster carers and connected carers until the end of the child’s formal education, (after their 18th birthday) if the course started prior to their 18th birthday.

Special Guardians must be helped to access any benefits to which they are entitled; this will usually include child benefit and tax credits such as Child Tax Credit and Working Tax Credit. It may also include disability or other benefits on behalf of themselves or the child. Advice and consultation will be made available to Special Guardians and this may include sign posting to relevant agencies that may support applicants with accessing relevant entitlements.

**Pupil Premium**

The pupil premium payable annually to looked after children will continue to be paid following the making of a Special Guardianship Order.

**Entitlement to Leaving Care Services**

A young person subject to a SGO will be eligible for advice and assistance as a Qualifying Child from the Bristol City Council Through Care Service if they were looked after directly before the SGO was made. The young person must be between 16 & 25 years of age. Where aged 16-17, the SGO must still be in force. Where aged 18 - 25 the SGO must have been in force when they reached 18.

Regulation 22 of the Special Guardianship Guidance – Statutory Guidance for Local Authorities on the Special Guardianship Regulation 2005 (as Amended by the Special Guardianship (Amendment) Regulations 2016) states that 'Time spent under a Special Guardianship Order is relevant when considering the child's entitlement to leaving care services'. Section 24(2) of the Children Act defines a person qualifying for advice and assistance. This includes a young person aged 16 to 18 who immediately before the making of the special guardianship order was 'looked after' by the local authority.

Advice and assistance will be given by the Service to a Special Guardian when their child reaches 16. However if you live outside of Bristol and the Special Guardianship Order was made over 3 years ago then provision will be provided locally. Where appropriate this may include contact with the Leaving Care Team. For the purposes of this assistance the Local Authority will be the Local Authority which last looked after the child.

Financial assistance may be given where the young person is in full time further or higher education, is under 25 and qualifies for advice and assistance. Eligibility for access to Leaving Care services as outlined above, including financial assistance, should be set out within the Special Guardianship Support Plan.

**Payment of Legal Fees**

For applications made as part of the No Detriment Pilot the Local Authority will make the application to court for SGO. The Prospective Special Guardian will be encouraged to seek independent legal advice and the Local Authority will fund at least one session. Any additional legal advice required by the Special Guardian or potential legal fees incurred should be escalated to the Service Manager for Fostering, Kinship and Special Guardianship for agreement.

Special Guardians are encouraged to seek information from relevant organisations such as the Family Action, Kinship, Fostering Network, [Citizens Advice Bureau](https://www.citizensadvice.org.uk/) and the [Family Rights Group](http://www.frg.org.uk/).