Special Guardianship Feedback

Generally the consultation seeks to establish feedback regarding the following areas:

* How the use has changed since 2005
* The assessment process
* The advice & support for special guardians
* Examples of best practice

The general picture is that the use of SGOs is varied depending upon the LA. This is an increase each year on the numbers of children having an SGO with the West Midlands increasing from 80 in 2007 to 360 in 2014. There is also evidence to show that SGOs are being used on younger children.

(How are why are SGOs being used – temp with supervision order until a return to parents?)

Areas to consider:

* Are there any changes needed to the legal and/ or practice framework in which special guardianship decisions are made, or whether the current framework works well?
* How well does assessment work at the moment – could it be improved? Bearing in mind that there is no current or consistent/ minimum framework for birth parents/ potential SGOs/ foster carers or adopters.
* What support is **most** needed and important at each stage of an SGO?

Key Questions:

1. Whether there are any changes needed to the legal and/ or practice framework in which special guardianship decisions are made, or whether the current framework works well.
   1. The courts timescales does not match the need for permanence at times especially when applications have been made in an emergency. The 26 week Key Performance Indicator (KPI) is difficult to meet, it’s unrealistic to be able to provide the court with the right information and do the best by the child within this timeframe if effective pre proceedings work has not been undertaken. The 26 weeks is not long enough to carry out the relevant checks/ tests and assessments it is therefore vital that family group conferences and alternative family carers are identified as early as possible. The viability assessment should inform the decision making process – this assessment should demonstrate the rational for why an SGO has been determined as the best way forward more often than not the courts are overruling the LA at this stage and requesting full connected assessments. If the above is not undertaken then the 26 week KPI doesn’t allow sufficient time for this to be done, this can often lead to the courts granting inappropriate orders such as a care order under the proviso that the placement should be tested out for 12 months before SGO can be considered .Therefore Las need an opportunity to be able to authorise placements under emergency arrangements without CAFCASS and the courts then using this as an opportunity for such arrangements to continue – this would give an opportunity to test out placements within proceedings with an SGO being granted on conclusion. Experience within the Black Country Court system are cautious about the making of SGOs in some circumstances without the time to teat out placement. CAFCASS also are becoming too involved in the detail around financial support to SGO applicants and this can be undermining to the work SWs are attempting to do with this cohort of families This has implications for the Local Authority (LA) particularly with regards to resources and finance. There needs to be recognition that Social Workers are also experts who are focusing on the best options for the child and that the decision to reach an SG order has not been taken lightly and will therefore be in the best interests of that child. We need to develop our SGO offer and be able to actively promote this – SGO support plans should be seen as adoption support plans are currently. There appears to be a real tension between SGO versus Connected Persons assessments/outcomes. Court needs to be less adversarial
2. How well assessment for special guardians works at the moment, and whether this could be improved.
   1. The process should start earlier, but due varying factors it doesn’t for example not considering family members early in the CP or CIN planning process, developing support plans earlier to assist families in their transition to becoming alternative carers . The timescales are not realistic enough to allow the assessments to take place. Courts are pushing for full ‘connected persons’ reports not SGOs, it is believed that some of this stems from CafCass’ involvement. See above – overly involved in the detail re finances instead of considering how we can meet the needs of children within universal services, occasions it would appear that connected person assessments are seen to better LA support – therefore there is work for CAFCASS, Judiciary and Las to consider support should complement what is already on offer and not be instead of accessing services locally.
   2. Ideally an independent Social Worker should complete the whole assessment – adult and child component; otherwise there are communication difficulties that can lead to time delays. Again the viability assessment should inform the decision making process for the SGO but in order to keep within the timescales the courts are promoting care orders which are not bringing about permanence for the child. Not being able to complete a full and robust assessment within the 26 weeks also gives a risk that the child could be placed on an inappropriate plan, which can cause up to an 18month delay in achieving permanency for children. The assessment itself is working well; the issues are around the timescales expected and the courts behaviour towards the assessment. The issue re consent to checks =DBs and medicals can create issues when these are delayed and not effectively tracked
3. What advice and support is most important at each stage of an SGO.
   1. Support should not just be about financial support, unfortunately the experience within the Black Country court system has been that there has been too much focus on finances causing delay for children and creating difficulties in meeting the 26 week timescale. The pre-proceedings stage is vital that we get the right people identified to start assessments – should be hitting courts door with the SGO assessment virtually completed and this would give the opportunity to test out placement under ICO or indeed a child arrangement order. FGCs are essential to this and we need IROs support in raising this as part of CP plans, both from a local authority perspective and that for the Special Guardian (SG), in terms of ensuring a full viability assessment is completed, ruling a person ‘in’ or ‘out’. More support needs to be given to the Family Group Conference to assist with this process. Once an SG has been identified its crucial to establish what support needs to be put in place and also what support the SG and wider family can offer to ensure the best outcomes for the child(ren). We have identified that here in Sandwell we need to start thinking earlier in the process, best practice would suggest around the child protection stage. The assessment stage needs to be more robust to identify the support needed. The more thorough the assessment the more likely a good result within the courts will be achieved.
   2. Support plans need to be formulated at the mid-point review of the assessment - parents and applicants to be included in preparation for the transition of carers and applicants who will be the child’s legal guardian. This includes family support – promoting family resilience – i.e. who will provide respite, how will contact be managed safely.
   3. Ongoing support should be given by the permanency team from the mid-point onwards. It should be their role to ensure family support is provided.
   4. Ensuring that the Children in Need Plans are robust will ultimately help in court, these need to be done comprehensively and awarded enough time to ensure all of the relevant detail is captured. This will negate the need for Supervision Orders to be in place
4. Your views on what the best practice in special guardianship looks like so that we can support all practitioners to deliver this.
   1. At the mid-point review following DBS checks and medicals, consideration for the placement should be given. Once the placement is given, the outcome of this and the evidence should then be presented to the court to help inform their decision. There needs to be good ongoing communication and support between the Local Authority to ensure that any changes to the plan are identified and – ideally this function would sit with the permanency team.
   2. The fostering team should ideally be involved in the SGO assessments, to give consideration to the Foster Carer(s) becoming an SG.
   3. Best practice would also be to promote and recruit Foster Carers to become SGs –this would be particularly good for older children where there are no birth family members available – this will set the scene at the earliest opportunity with foster carers that say in 2 years of child in placement that they will be expected to apply where appropriate for an SGO – therefore becoming the child’s legal guardian . In Sandwell there is no financial penalty to changing from a foster carer to a Special Guardian. This means that foster carers are not at risk of losing income and can dedicate time to ensuring children’s needs are met without having to consider also fostering at the same time – therefore don’t have the issue of meeting competing needs of children