**Procedures and guidance for Special Guardianship Order (SGO) applications**

This guidance applies to all circumstances where an SGO is a potential outcome of care proceedings or where an application for a child or young person is already subject of a full care order. For those in care proceedings Section 1 may not apply and the potential for SGO will be identified as part of the care planning within proceedings and timescales for assessment will be set out in the Court timetable.

1. **Child and Family Assessment**

Decision made that a child and family assessment is required to consider application for an SGO being in the children’s best interests. Timescale for assessment will be set with manager.

* The assessment should include a good balancing exercise within the analysis of different care plan options for the child.

For example;

|  |  |
| --- | --- |
| **First realistic option:**  | **E.g. SGO** |
| **Factors in favour** | **Factors against** |
| **Second realistic option:** | **E.g. Long term fostering** |
| **Factors in favour** | **Factors against** |
| **Third realistic option:** | **No care order, reunification home** |
| **Factors in favour** | **Factors against** |

* The C & F assessment should make recommendations for a change of care plan centred around the needs of the child even if parents or carers do not agree with a plan of SGO at this point. *(Children may obtain their files in the future and will want to see everything which has been explored).*

**If the assessment is positive and in favour of an SGO;**

* The assessment must to be shared with the carers by the child’s social worker within **1 week** of approval. This will provide carers with the opportunity to gain a good understanding of the social workers view of what is in the best interests of the child.
* The child’s social worker to liaise in writing with the IRO in respect of a change of care plan and to consider when the LAC review should take place. **NB. The LAC review will need to be held once all documentation is completed so that the IRO has oversight of all assessments to inform the LAC review recommendation in terms of care planning.**
1. **SGO Support Plan**
* For in-house carers – child’s Team Manager to e-mail Fostering Support Team Managers to trigger joint working on the SGO Support Plan. Team Manager of Fostering Assessment team to be cc’d in to alert her to allocate Section C of the SGO assessment within the Fostering Assessment team.
* The child’s social worker to complete the support plan within **6 weeks**, this is to include the following elements which must be recorded on the child’s case file as significant events:

**In-House placements**

* Meeting between child’s SW and fostering SW: a meeting must be arranged within **2 weeks** to complete the SGO support plan together. There needs to be separate plans on the carers file **for each child**. Social workers must decide at this stage the best way for this to be shared with carers and this must be recorded on the child’s file. At this meeting agreement to be reached between workers about who will take the lead in the subsequent tasks.
* Once completed the support plan must be sent to both the manager for the child’s Social Worker and fostering manager for authorisation. This may then need to be sent to HOS for further approval if there are proposals for “exceptional” financial support beyond what is usually agreed for foster carers in the [SGO finance policy](https://proceduresonline.com/trixcms1/media/1743/guidance-sgo-financial-allowance-policy-2019.doc).
* Once approved the SGO support plan is to be sent out by the agreed worker with a letter (by post or electronically) which includes a list of local family solicitors encouraging them to contact solicitors to obtain legal advice within **2 weeks**. (*See Appendix 2*). Carers must then confirm in writing that they have taken legal advice and the date legal advice was taken or will be undertaken. Or carers can confirm in writing that they are happy to proceed with an application without taking legal advice.
* Following legal advice being taken if any changes are required to the support plan these must be completed and authorised by both the child’s social worker team manager and the fostering team manager within the **6 weeks’** timeframe. If further changes are highlighted a further **two weeks** will be allowed if necessary.

**IFA placements**

* A visit to be undertaken with the fostering SW and child’s SW to discuss what carers would need in a support plan and gain their view on moving forward with the SGO within **2 weeks**. This will also need to include the Fostering SW’s view of support that would be required for the carer.
* The child’s social worker to complete the support plan within **2 weeks**. There needs to be separate plans on the carers file **for each child**. The social worker must decide the best way for this to be shared with carers and this must be recorded on the child’s file.
* Once completed the support plan must be sent to the manager for authorisation. Managers will mark as completed when they agree to the support plan. This may then need to be sent to HOS for further approval if there are proposals for “exceptional” financial support beyond what is usually agreed for foster carers in the [SGO finance policy](https://proceduresonline.com/trixcms1/media/1743/guidance-sgo-financial-allowance-policy-2019.doc).
* A letter needs to be sent by the child’s social worker to carers by post or electronically which includes a list of local family solicitors encouraging them to obtain legal advice within **2 weeks.** Carers must then confirm in writing that they have taken legal advice and the date legal advice was taken or will be undertaken. Or carers can confirm in writing that they are happy to proceed with an application without taking legal advice.
* Following legal advice being taken if any changes are required to the support plan these must be completed and authorised by both the child’s social worker team manager and the fostering team manager within the **6 weeks’** timeframe. If further changes are highlighted a further **2 weeks** will be allowed if necessary.

**3. SGO Assessment**

* The SGO assessment should be completed by the child’s social worker and Fostering social worker in the mosaic episode within **8 weeks** following completion of the SGO support plan.

*The child’s social worker to complete Parts A & B (this will involve seeking information and views from the birth parents).*

*The fostering assessing social worker to complete part C. The fostering Social worker must go through the redactions and confidential information form with the carers before the assessment commences. This form can be revisited through the assessment as information may arise during the assessment which carers would wish to be redacted and inserting on the confidential form. (See Appendix 1)*

*This applies for both in-house and IFA carers.*

* Child’s social worker to send to their Manager Parts A and B to approve once complete.
* Fostering assessing social worker to send Fostering Manager Part C to approve.
* The assessment must then be shared with carers (the best way to do this can be agreed between social workers, this can be done electronically, by post or in person within **one week** of completion). **The carers do NOT receive section b (family details) at this stage.**
* Redactions or changes required in the assessment if requested by carers must be completed within **one week**. Managers from both teams must again authorise any changes made.
1. **Court statement**
* The child’s social worker must complete the court statement to make the application for the SGO concurrently with the assessment within the same **8 week** period.
* This statement should cross reference the SGO assessment and Child and Family assessment.
* Team Manager to approve statement.
1. **LAC Review**
* All documents to be completed by this meeting.
* All assessments, reports and statements to be sent to the IRO a minimum of two working days prior to the LAC review to allow the IRO time to review all work (or make them aware that these documents are available on Mosaic). IRO to confirm at the LAC review the documents they have reviewed to come to their view.
* LAC Minutes to be recorded within 5 working days to be sent with other documentation to legal.
1. **Paperwork to Legal**
* Once the above is completed all the paperwork must be sent to legal by the child’s SW;

This must include;

1. The C & F Assessment.
2. The SGO Assessment in pdf format
3. The SGO support plan/s
4. The written IRO view of the care plan of SGO (to include documents viewed).
5. The foster carer’s written response regarding them having taken legal advice and the date it was taken.
6. The most recent LAC review meeting minutes.
* All paperwork to be sent to legal via:- dutysolicitor@herefordshire.gov.uk and copied to jnewman@herefordshire.gov.uk. The child’s social worker to copy their Team Manager into the email when all the paperwork is sent to legal and record on the child’s file when it was sent.

**PART 1**

Appendix 1

TO BE COMPLETED BY THE POTENTIAL CARER/S.

**PLEASE NOTE THAT YOUR ASSESSMENT SHALL BE FILED WITH THE COURT AND SERVED ON ALL PARTIES IN THE PROCEEDINGS.**

**WHEN SIGNING THIS FORM YOU ARE AGREEING THAT YOU ARE HAPPY FOR THE INFORMATION CONTAINED WITHIN IT TO BE SHARED.**

We can redact certain confidential information but the document still needs to read comprehensively and therefore only the following areas can be redacted:-

Please tick below what information you seek to be redacted:-

|  |  |  |
| --- | --- | --- |
| INFORMATION TO BE REDACTED | CARER 1 | CARER 2 |
| Surname, DOB and address of person being assessed |  |  |
| Medical conditions which would not impact upon caring for a child |  |  |
| Children within the household’s details to include their place of work/ school. |  |  |
| Children of the family not members of the household’s details |  |  |
| Name of employer and address |  |  |
| Names of previous partners/ spouse |  |  |

Please note any referees put forward by you shall not be disclosed to the Court and other parties they shall be for Childrens Services use only.

You will be provided with a copy of your assessment once completed and Childrens Services shall fund legal advice to the amount of £200 plus Vat.

Please comment in the box below any other points you would like to raise in respect of your assessment that you feel the assessing social worker should be aware of:-

|  |
| --- |
|  |

Signed ………………………………………….. Dated ……………………………………

Carer 1

Signed …………………………………………... Dated …………………………………...

 Carer 2

**PART 2**

**THIS INFORMATION IS CONFIDENTIAL DATA IT SHOULD ONLY BE DISCLOSED TO STAFF WITHIN CHILDREN SERVICES THE COURT, CAFCASS OR THE CHILD’S SOLICITOR**.

**For legal use**

**Case Number**

|  |  |  |
| --- | --- | --- |
| **Child**  | **Date of Birth**  | **Placement Contact details** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

|  |  |  |
| --- | --- | --- |
| **Parent Name** | **Role e.g mother, father of xxx putative father of xxxx** | **Contact details** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

|  |  |  |
| --- | --- | --- |
| **Connected person** | **Role e.g. maternal aunt, paternal uncle (** | **Contact details** |
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|  |
| --- |
| **Other confidential information**  |

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Appendix 2

|  |  |
| --- | --- |
| Directorate/Division: | Children and Families |
| Team: |  |
| Please ask for: |  |
| Direct line: |  |
| Email: |
| Date: |  |

|  |
| --- |
| **PRIVATE AND CONFIDENTIAL**add name for recipient add address of recipient  |

Dear

Ref:

Please find attached to this letter the SGO support plan which we advise you take to a family solicitor for consultation.

A list of family law solicitors is also attached. We cannot make any recommendation over the legal advice you chose to take.

We ask if you could do this as soon as possible and confirm in writing when you have taken legal advice. This can be done by email, (email address is below).

Yours sincerely

 **Social Worker**

**Contact details inc email.**

**LAW SOCIETY CHILDREN PANEL SOLICITORS HEREFORDSHIRE AND WORCESTERSHIRE**

|  |  |  |  |
| --- | --- | --- | --- |
| **Area** | **Name** | **Address** | **Telephone No.** |
| **Hereford** | **Coulson Read Lewis,** | **1-2 Offa StreetHerefordHerefordshireHR1 2LJ****(Offices: Hereford and Leominster)** | **(01432) 357005** |
|  | **Harrison Clark Rickerby** | **Thorpe House,29 Broad Street,****Hereford.HR4 9AR****DX17209 Hereford.****Also at Worcester** | **01432 349670****01905 612001** |
|  | **Humfrys & Symonds** | **1 St. John Street, Hereford, Herefordshire, HR1 2ND,****DX 17202 HEREFORD****(Offices: Hereford and Leominster)** | **(01432) 276276** |
|  |  |  |  |
| **Bromsgrove** | **Thomas Horton LLP** | **Strand House,** **70 The Strand,** **Bromsgrove, B61 8DQ****(Offices: Bromsgrove, Worcester and Redditch)** | **(01527) 871641** |
|  |  |  |  |
| **Cinderford**  | **Gwyn James****.** | **4 Berisford Court,****Cinderford,****Gloucestershire.** **GL14 2bs****(Offices: Cinderford and Ross-on-Wye)** | **(01594) 822277** |
|  |  |  |  |
| **Droitwich** | **Parkinson Wright LLP** | **64 Friar StreetDroitwich SpaWorcestershireWR9 8EF****(Offices: Evesham, Droitwich and Worcester)** | **(01905) 409 151** |
|  |  |  |  |
| **Evesham** | **Parkinson Wright LLP** | **Abbey Lane Court,** **4 Abbey Lane,** **Evesham,** **WR11 4BY****(Offices: Evesham, Droitwich and Worcester)** | **(01386) 761176** |
| **Kidderminster** | **Kerrigans Family Law Limited** | **13 St. Johns Avenue, Kidderminster, Worcestershire, DY11 6AT** | **(01562) 740895** |
|  | **Painters** | **29 Church Street, Kidderminster,** **Worcestershire,** **DY10 2AU** | **(01562) 822295** |
|  | **Talbots Law** | **30 Church Street, Kidderminster, Worcestershire, DY10 2AX****(Offices: Kidderminster, Dudley, Codsall, Halesowen, Stourbridge, Stourport-on-Severn, Wolverhampton)** | **(01562) 749910** |
|  |  |  |  |
| **Leominster** | **Humfrys & Symonds** | **5A Broad StreetLeominsterHR6 8BT****(Offices: Hereford and Leominster).** | **(01568) 613612  ‎** |
|  | **Coulson Read Lewis,** | **10 South StreetLeominsterHerefordshireHR6 8JB** | **01568 573309** |
|  |  |  |  |
| **Malvern**  | **Whatley Recordon** | **12 Worcester Road,** **Malvern,** **WR14 4QU****(Will travel to meet clients in most areas of Herefordshire and Worcestershire).**  | **(01684) 892939** |
|  |  |  |  |
| **Redditch** | **Charles Strachan Solicitors** | **3 Church Green East,** **Redditch****B98 8BP****DX: 19111 Redditch****(Offices: Redditch, Birmingham and Solihull)** | **(0121) 704 3311** |
|  | **Thomas Horton LLP** | **The Old Church****Ipsley Street****Redditch****B98 7AA****DX 19104 Redditch****(Offices: Bromsgrove, Worcester and Redditch)** | **(01527) 871641** |
|  |  |  |  |
| **Ross-on-Wye** | **Gwyn James** | **Gwyn James Cantilupe Chambers****Cantilupe RoadRoss on WyeHerefordshireHR9 7AN****(Offices: Cinderford and Ross-on-Wye)** | **(01989) 564209** |
|  |  |  |  |
| **Stourport-on-Severn** | **Painters** | **1 New Street****Stourport-upon-Severn****Worcestershire****DY13 8UN****(Offices: Kidderminster and Stourport-on-Severn)** | **(01299) 873205** |
|  | **Talbots Law** | **Salford House****29 Bridge Street****Stourport-on-Severn****Worcestershire****DY13 8UR****(Offices: Kidderminster, Dudley, Codsall, Halesowen, Stourbridge, Stourport-on-Severn, Wolverhampton)** | **(01299) 827766** |

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| **Worcester** | **Cartwright King Solicitors** | **28 Foregate Street****Worcester****WR1 1DS****(Offices: Nationally)** | **(01905) 676353** |
|  | **Greens Solicitors Ltd** | **1st Floor, Cactus House** **30 Foregate Street****Worcester****WR1 1DS** | **Tel: 01905 347928****DX: 23516 B'ham 3** |
|  | **Kieran & Co** | **Second Floor, Anbrian House, 1 The Tything, Worcester, Worcestershire, WR1 1HD** | **(01905) 28635** |
|  | **MFG Solicitors LLP** | **20-21 The Tything, Worcester** **WR1 1HD** | **(01905) 610410** |
|  | **Parkinson Wright LLP** | **Haswell House,** **St Nicholas Street, Worcester,** **WR1 1UN****(Offices: Evesham, Droitwich and Worcester)** | **(01905) 726789** |
|  | **Scaiff LLP** | **23 Foregate Street, Worcester,** **WR1 1DN** | **(01905) 27505** |
|  | **Thomas Horton LLP**  | **County House,** **St Mary's St,** **Worcester WR1 1HB****(Offices: Bromsgrove, Worcester and Redditch)** | **(01905) 330066** |
|  | **Thursfields Child Care LLP** | **42 Foregate Street, Worcester****WR1 1EF** | **(01905) 730450** |
|  | **Waldrons Solicitors Ltd** | **City Wells House, 26, Sidbury, Worcester, Worcestershire, WR1 2HZ****(Offices: Dudley, Kingswinford & Merry Hill, Worcester, Walsall, and Cheltenham)** | **(01905) 900900** |

**Updated 08/01/2020**