A Carers Guide to

Special Guardianship in Swindon

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**Introduction**

At Swindon Borough Council (SBC) we want the best for our cared for children and young people.

We know that many of the children and young people in our care have suffered from adverse early circumstances. Whilst we cannot change this, we can help them towards a positive future as successful and contributing adults. A key to achieving this is to ensure that they have the permanency in their lives which any child or young person should be able to expect.

Research shows us that when children or young people know that their carers are committed to bringing them up to adulthood they are more able to put down roots and to concentrate on other aspects of their lives. This generally results in better educational, health and social outcomes, so helping them on their journey to becoming the successful and contributing adults they have every potential to be.

**What is permanency?**

The aim of permanency is to give a child or young person a lasting experience of a family that gives them the opportunity to attach to adults and to experience normal loving family life.

The key elements of permanence are security, wellbeing and family membership through a shared history and identity, which endure over time into adulthood.

In care planning for our cared for children and young people, we know that there are 3 key aspects to permanence:

* Emotional permanence (attachment)
* Physical permanence (stability)
* Legal permanence (the carer has parental responsibility)

Whilst long term foster care can enable the intrinsic qualities of belonging and emotional permanence as well as physical stability, it cannot facilitate the third aspect because foster carers do not have parental responsibility.

Special Guardianship offers a legal framework that can encapsulate and potentially secure all 3 key aspects.

**What is Special Guardianship?**

The Adoption and Children Act 2002 introduced Special Guardianship and Special Guardianship Orders.

A Special Guardianship Order is an Order made by the Court appointing a non- parent person to be a child or young person’s Special Guardian.

If there is a conflict between the parent(s) and the Special Guardian(s) with regard to how to bring up the child or young person, the Special Guardian(s) opinion takes precedence.

A Special Guardianship Order enables a Special Guardian to have day to day decision making and to exercise parental responsibility to the exclusion of all others with parental responsibility, except another Special Guardian.

At the time of making a Special Guardianship Order, a court may also give leave for the child or young person to be known by another surname and/or give permission for the child or young person to be taken out of the United Kingdom for periods longer than 3 months. Otherwise, the Special Guardian(s) must obtain the written consent of every person who has parental reasonability for the child or leave of the court beforehand.

A Special Guardian(s) retains Parental Responsibility for a child or young person until they reach the age of 18.

Someone who has a Special Guardianship Order is not subject to any Complaints Procedures and cannot be held accountable for their actions under the Human Rights Act as a Local Authority can be in respect of a Care Order.

**Can a foster carer apply for a Special Guardianship Order?**

Yes. A foster carer with whom the child/young person has lived for one year immediately preceding the application can apply for a Special Guardianship Order.

Also, if within Care proceedings, a Special Guardianship Order to a foster carer may be made - but this is usual in relation to Friends and Family foster carers.

An application for a Special Guardianship Order may be made by an individual or jointly by two persons. They do not need to be married but must be 18 or over.

**What does the application process of a Special Guardian involve?**

Regulation 11 (C.A *1989 S.G regulations 2005*) states that an assessment must be undertaken in respect of an application in relation to any child or young person who has been cared for by the Local Authority immediately prior to the making of SGO.

Assessments of family and friends applicants maybe directed by the court and these assessments may happen in parallel with an assessment for them as family and friends foster carers.

A foster carer who is applying for a Special Guardianship Order because of their 'time – relationship' with the child or young person must give 3 months' notice to the Local Authority.

The exception to a foster carer giving three months’ notice is if they are given leave by the court through existing family proceedings which may be the case in respect of family and friends foster carers.

The Local Authority is required to undertake a report for the court in regard to the suitability of all applicants, including foster carers. This is usually completed within 3 months but in some cases may take longer if it needs to.

The most important thing is that there is enough time within the process to enable all parties, but particularly foster carers, to have sufficient preparatory time to consider all the implications of what becoming a special guardian means for them. You will need to take into account what the impact will be, practically, emotionally and financially on yourselves, your family and the child or young person - currently and into the future.

**The matters to be covered in the special guardian assessment report are as below:**

Matters in regard to the child or young person;

* Matters in regard to the child or young person's family;
* The wishes and feelings of the child or young person and others;
* Matters in relation to the applicants;
* Details of the local authority completing the report including support services to be provided for the special guardian, the child or young person or the birth parents;
* Summary of medical information and assessment;
* Summary of the implications of making an SGO for the relevant parties;
* The relative merits of special guardianship and other orders;
* Recommendation as to whether an SGO should be sought or alternative proposal;
* Recommendation as to what the contact arrangements might be for the child or young person.

**What support would I get as a Special Guardian?**

In addition to an assessment of your suitability to become a special guardian for a specific child or young person, the Local Authority is also required to undertake assessments as to what support services are needed.

The Local Authority is required to make arrangements for the provision of a range of support services for special guardians as part of their general service provision. These services may include counselling, advice, and mediation information and such as other services.

In undertaking an assessment of your needs for support services the regulation 12 (C.A *1989 SG Regulations 2005)* states that the following should be considered as far as is relevant in any particular circumstances;

* The developmental needs of the child or young person;
* The parenting capacity of the prospective special guardian or special guardian;
* The family and environmental factors that shaped the life of the child or young person;
* What the life of the child or young person might be like with the special (proposed) special guardian;
* Any previous assessments undertaken in regard to the child or young person;
* The needs of the special guardian (proposed special guardian);
* The likely impact of an SGO where there are pre-existing relationships with the parent of the child or young person – for example when grandparents are the proposed special guardians.

The Local Authority that placed the child has responsibility for providing ongoing support for 3 years but after this time the responsibility would revert to that Local Authority where you live. This therefore needs to be borne in mind in the planning at the onset of any application you make, especially if you are intending to move out of the Local Authority area at some point in the future.

**What Financial Support would I receive as a Special Guardian?**

* ***Financial Support to Former Foster Carers***

Regulation 7 (*C.A 1989 S.G Regulations 2005*) makes specific provision in regard to financial provision for special guardians who were formerly foster carers for a child or young person. The general principle underpinning the regulations is that financial support should not include any element of remuneration but former foster carers are exempted from this for a period of two years. In exceptional circumstances such an element may continue beyond 2 years. The benefits of permanency are the driving principle.

If you are already a foster carer for the child or young person, you are likely to continue to receive the same amount of financial support that you currently receive as a foster carer (minus Child Benefits, tax credits or any other universal benefits that you would then be able to claim in relation to the child or young person as their Special Guardian) for 2 years. This will be confirmed with you in writing within a Special Guardianship Plan before any Order is made.

If you are a foster carer for an independent fostering agency please also feel able to talk with us about financial support which may be made available.

***Financial Support to Prospective SGO Applicant who were not formerly Foster Carers for the Child***

The guidance Regulation 6 (C.A 1989 S.G regulations 2005) states that “financial issues should not be the sole reason for an SGO arrangement failing to survive.” The principle underpinning the regulations and guidance is that financial support should be available to ensure that financial aspects are not an obstacle. Regulation 13 outlines the expectation that special guardians should access the benefits that they are entitled to and that the role of local authorities is to be facilitative in this process. It also stipulates that any financial support made to special guardians under these circumstances should not duplicate any other payment that they receive. The areas that the local authority are required to consider as part of a financial assessment are;

* The financial resources – including investments of the (prospective) special guardian;
* Outgoings of the prospective special guardians;
* Financial needs of the child or young person.

**How Payments are calculated**

In considering the above areas Swindon Borough Council will assess the financial circumstances of any special guardian or proposed special guardian using a means test model developed by the Department of Education and Skills. The financial information that is required for the means test should be gathered using the Financial Assessment Form which is attached to this document.

The Financial Assessment Form captures information about the Special Guardians total monthly household and family incoming finance and outgoing expenditure.

Once the Financial Assessment document has been completed it will be passed to a designated financial administrator who will use a spread sheet formula to calculate the recommended level of financial support that will be paid to the special guardian.

The final payment that will be made to special guardians will be the allowance that is defined as an outcome of means test calculation minus any child benefit.

There is no assumption that all special guardians will receive financial support and the decision to provide such support will be dependent on the outcome of the means tested calculation. Special guardianship payments in Swindon are tied to the rate of the basic allowances paid to Swindon foster carers. With regard to these payments Swindon Borough Council has a payment structure for fostering allowances consisting of:

A basic allowance which is paid to foster carers at different rates dependent on the age and needs of the foster child. The basic allowance is reviewed regularly, and is set in accordance with the Fostering Network’s minimum recommended allowance.

An additional payment which is linked to a requirement that foster carers undertake programmes of training and skill development.

Swindon only link special guardianship payments to the basic fostering allowances because there is no requirement for special guardians to complete training or skill development activity. The level of allowance that will be paid to a special guardian will vary according to the amount of available income. The level of allowance that will be paid to a special guardian for each child will be a proportion of foster carer basic allowance minus any child benefit.

The maximum payment that will be made to a special guardian for each child will be the maximum basic allowance minus child benefit

Appendix 1 of this document provides details of the payments that Swindon make to foster carers.

**Will the child/ young person in my care still be entitled to Leaving Care Services?**

A young person who is the subject of an Special Guardianship Order will likely still 'qualify' for 'advice, guidance and assistance' from leaving care services. (C.A *1989 Planning Transition to Adulthood for Care Leavers Regulations and Guidance 2011 Vol 3)*

For a young person to be eligible they must be;

* Between 16 and 21;
* If they are under 18 the SGO must still be in force;
* If they are over 18 it must have been in force before they reached 18. (*Vol 3 2.12)*

The Local Authority would be responsible for providing advice and assistance under these provisions but it may be, if you live some distance from Swindon arrangements are made for you to seek such support locally.

The advice and assistance that a local authority can provide for a young person is outlined in C.A 1989 (24A) on the basis of a needs assessment. A local authority may provide advice and befriending services and in exceptional circumstances give cash. A local authority can also contribute to expenses for education, training but, if agreed, this is likely to be conditional and may take your financial situation into account. In some circumstances the Local Authority may also include birth parents in terms of these considerations if they are still involved in the young person's life.

**Will the child/ young person in my care still be entitled to Pupil Premium to help them at school?**

Yes in most cases. Schools receive Pupil Premium for all Cared For children and young people of compulsory school age and this has now been extended to include children and young people subject to Special Guardianship Orders so they will continue to receive this support with their education.

**Will I have access to independent legal advice before making a final decision?**

If the Local Authority is supporting you in making a Special Guardianship Order application we will encourage you to seek independent legal advice and will usually provide some financial support to help enable you to access this. You will find an example letter regarding funding for legal advice included in this information pack.

There is also a list of solicitors experienced in child care work included at the back of this pack.

**Good practice principles adopted by the Local Authority in relation to supporting a foster carer in applying for a Special Guardianship Order:**

The decision to apply for an SGO should be based on what is right for the individual child or young person and their foster family and the Local Authority does not have a blanket policy of encouraging foster carer to apply for SGOs for children or young people who are placed in their care.

The Local Authority recognises that there may also be circumstances where continuing support (other than financial support) is necessary for some special guardians. This might be in relation to a specific aspect such as contact with the birth family.

**Who can I contact to find out more about becoming a Special Guardian?**

Your Supervising Social Worker or the child or young person’s allocated social worker will be able to give you advice and information or signpost you to other sources of advice.

Additionally, there is a list of useful organisations and websites included at the back of this information pack.

**Special Guardianship Support Allowance**

**Financial Circumstances Assessment**

**Guidance Notes and Application Form**

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**Guidance for Financial Support**

1. **Purpose of the scheme**

**It is important that the following information is understood when:**

1. Making a Special Guardianship support allowance application for the first time; or
2. The allowance payable is reviewed each year

The scheme is designed to enable Swindon Borough Council to pay financial support to the carers of children who are the subject of special guardianship orders (SGOs), contributing towards the cost of the accommodation and maintenance of a child who is the subject of the order, or to meet special needs or exceptional requirements. The information in this guidance sets out the criteria for eligibility and the circumstances which may justify financial support. Information about other forms of support is available from the Family Placement Team.

1. **Eligibility for financial support**
   1. Financial support may be paid to an individual caring for a child who is the subject to assessment of need. It is not intended to remove responsibility from the birth parents to make adequate financial provision for their children. State benefits and tax credits are available to special guardians in the same way as they are for any parent. Any financial support paid by the Council is not designed to replace benefits and tax credits, and any such payments will be taken into account in consideration of financial support.
   2. The payment of financial support is governed by the **Special Guardianship Regulations 2005.** The Council shall normally make payments only:
2. To enable a child who is being looked after by the Council to be securely placed so as to leave the care of the Council and where financial support is necessary to achieve this; or
3. When the payment of financial support is necessary to avoid the need for a child to become looked after by the Council; or
4. Following an assessment by the Council for support services. In such a case, the assessment will identify whether there is a necessity for financial support to ensure the child may continue to be cared for by the Special Guardian OR to meet unusual and continuing expenses due to the consequences of past harm.
   1. **Exceptional payments**

In exceptional circumstances, the Council may make a contribution to the expenditure necessary for accommodating and maintaining the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home, when it is in the best interests of the child regarding the child’s special needs or the child’s health, disability, any history of significant harm or behavioural difficulties.

Consideration may also be given for financial support to meet some or all of the legal costs of an application for an SGO. Such payment may be considered only when the application is necessary to secure the best placement for the child and is supported by the Council, where legal representation is necessary and the funding is not otherwise available, (Information regarding this support is available from the Family Placement Teams and/or your Social Worker).

1. **Conditions of the payment of financial support**
   1. In determining the amount of any financial support to be paid, or the duration and frequency of any payments, the Council will assess the financial circumstances of the special guardian. The financial assessment process and criteria applied are determined by the financial regulations of the Council, and will take account of the total income and compare it to the total commitments and outgoings, including any costs relating to the guardianship child. An example of the means test for financial support can be found on:

[**http://media.education.gov.uk/assets/files/pdf/m/means%20test%20spreadsheet.xls**](http://media.education.gov.uk/assets/files/pdf/m/means%20test%20spreadsheet.xls)

* 1. Financial support may not be paid to meet any needs when any state benefit or allowance is available to the carer in order to meet such needs.
  2. Any payments will be net of Child Benefit and Child Tax Credit.
  3. Under the provisions of an SGO, the birth parent(s) retain parental responsibility for the child and therefore continue to have an obligation to financially support the child. It may be a requirement of the Council that the payment of any SGO financial support be conditional on the carer making an application to the Child Support Agency or to the court for financial assistance toward the cost of caring for the child. Any financial support will then take account of the outcome of such an application.

1. **Level of financial support**
   1. If financial support is paid in the form of a periodic payment (or allowance) it will be paid according to the schedule of rates agreed by the Council and amended according to annual review.
   2. The payment will be dependent on the age of the child and the financial circumstances of the carers and child. Carers in receipt of periodic payments may receive only a proportion of the financial support payable if their financial circumstances are assessed as being such that they do not qualify for the full rate.
   3. The element of remuneration ceases to be payable after a two year period from making the order unless the Council considers its continuation to be necessary, having regard to the exceptional needs of the child or any other exceptional circumstances.
2. **Duration and review of payments**
   1. All allowances are reviewed annually, this is a legal requirement. Guardian(s) are required to notify the Council immediately of any change in their circumstances or the circumstances of the child which may affect the payment of a special guardianship allowance. An allowance will **not** automatically continue to be paid until the child is 18 or completed his/her full-time education, since this will be subject to an express agreement of the Council, a review to determine the family’s financial circumstances and the child’s ability to obtain financial support through employment, state benefits or educational maintenance payments.
   2. If the child continues in full time secondary education or training, financial support may continue until the end of the course of education or training. In these circumstances, written evidence from a School/College that the child is still in full time education is required. This should be submitted with the completed application form.
   3. Financial support will be discontinued if the child/young person:
3. Ceases to have a home with the special guardian (this does not apply to temporary periods of absence, e.g. in-patient hospital treatment); or
4. Ceases full-time education and commences employment or qualifies for a placement on a Government training scheme; or
5. Qualifies for Income Support or Job Seekers’ allowance in his/her own right; or
6. Reaches the age of 18 years, unless as outlined in 5.1 and 5.2 above.
   1. The financial support may be terminated or suspended if the financial circumstances of the special guardian or the child change. The Council will review the payment of financial support annually, or at shorter intervals if necessary. If the financial or family circumstances change substantially at any time during the year, the special guardian must notify the Council immediately without waiting for the yearly review. The special guardian is required to supply details and evidence of income and outgoings to allow an assessment to be made. The Council is entitled to suspend or withdraw payments if adequate information is not provided.

An assessment will remain current until the outcome of the review. If it appears to the Council at any review that any of the circumstances set out in paragraph 5.1 and 5.2 are likely to arise before the next annual review, a review shall be arranged at an earlier date.

In line with the Special Guardianship Regulations 2005; **Regulation 18** (89): The procedure for assessment applies equally to a review of the financial support as to the first assessment for financial support. If the Council proposes, as a result of the review, to reduce or terminate financial support or revise the plan, before making that decision the local authority must give the person/s an opportunity to make representations.

For that purpose it must give the person/s notice of the proposed decision and the time allowed for making representations, however the Council may suspend financial support pending that decision if they think it appropriate; (90). The notice must follow the requirements of **Regulation 15** (76): It is suggested that local authorities should allow a period of 28 days from the time the proposed decision is sent to the applicants.

* 1. The allowance will change over time according to the financial situation and the needs of the child, in line with the Council’s special guardianship allowance age-related bands (Appendix 1) which are based on central government guidance regarding the all-inclusive cost of bringing up a child within an `average` household. If the special guardian no longer meets the criteria for payment, the allowance will cease. However, the special guardian can make an application to the Council, with proper evidence, for the financial support to be reinstated.

1. **Frequency**
   1. Special guardianship periodic payments will be paid directly into a nominated bank account. Other arrangements may be made only in exceptional circumstances.
2. **Consultation with and notification to special guardians**

* 1. The Council shall ensure that special guardians are consulted in advance about the arrangements of support to them, including the amount of financial support and the terms and conditions on which the financial support is paid. The Council shall ensure that all terms and conditions are set out in writing and signed by the Special Guardians to indicate agreement.
  2. The Council shall continue to pay the financial support on the terms agreed, even if the special guardian moves to another area within the United Kingdom, provided that the child continues to have his/her home with them. Special guardians must, therefore, inform the Council immediately of any change of address.

1. **Overpayments**
   1. Overpayments of any kind must be notified to Swindon Borough Council immediately on 01793 466105; similarly, when the Council discover an overpayment, the special guardian shall be informed immediately.

**All Overpayments must be paid back to the Council.**

**The Financial Assessment: Who undertakes the assessment?**

The financial assessment is carried out by Swindon Borough Council.

**2. Income**

* 1. **Earnings -** All income **must** be declared:

1. Proof of income is required in the form of the most recent payslips.
2. Net wages or salaries from an employer (for both partners in the case of couples) before any contributions to a company pension scheme.
3. Details of overtime and other earnings should be included.
4. When providing your monthly wage or weekly wage an average should be taken, over 3 months for monthly – paid, or 8 weeks for weekly-paid.

2.1.2 **Self employment**

If you are self-employed, an Inland Revenue approved Statement of Drawings for the previous tax year should be provided with your application.

A statement of expected drawing for the current year may be asked for, and may be used to assess current income for the year if it is expected to be substantially different from the previous year, or if a full year’s Inland Revenue statement is not available.

2.2. **Pensions, Allowances & Benefits** you **must** declare:

1. All state and private pensions (including those paid for disabilities)
2. All benefits and allowances including Disability Living Allowance/PIP, Housing Benefit, Sickness Benefit and any adoption/special guardianship or fostering allowances received for any child (ren) in your family.
3. Disability Living Allowance (DLA)/Personal Independence Payment (PIP) will **not** be included in the calculation neither will the special guardianship allowance for the child for whom the assessment is being carried out.
4. Child Benefit claimed from the date of the guardianship order should be declared along with benefits received for other children.
5. Tax Credits/Universal Credits are classed as income under the assessment and will be included in our calculations.
6. Money received under a Maintenance or Separation Order, or from the Child Support Agency is also classed as income under the assessment and will be included in our calculations.
   1. **Equity, Savings and Investments**
7. Income from capital, savings and/or investments, will be assessed in terms of net monthly interest only, as paid. This is the income that is routinely available to the family, and should be clearly shown on statements/similar. Any interest received from Government Child Trust Funds should **not** be included in this section.
8. Income from lodgers, tenants, sub-tenants or rental income must also be declared in this section.
   1. **Financial Resources of the Child**
      1. **Allowances -** if the child received a Disability Living Allowance, it must be declared even though it will not be taken into account when considering eligibility for a standard special guardianship allowance.
      2. **Lump sum payments or trust funds** - any lump sum payment or trust fund held in the child’s name must be declared, along with any regular payment received in respect of the child.

**3. Commitments & Outgoings**

1. Payments and monies paid out by you must be declared and include the following:
2. Council tax – Most councils charge monthly for 10 months only, so if a monthly figure is given, it will be multiplied by 10 to give an annual figure. If a rebate is given, the net figure must be declared.
3. A total of household insurances should be given to include both buildings (where not included in mortgage repayments) and contents. Note that each case will be considered on its own merits and some discretion may be applied.
4. Any commitments under a Court Order include such things as payments made under a Separation of Maintenance Order.
   1. **Regular Family Expenses** - If there are any additional expenses not covered about but to which you are already committed prior to the special guardianship allowance being set up, or which are related to the placement, they can be declared, e.g. such things as play therapies. Note that each case will be considered on its own merits and some discretion may be applied.

**Swindon Special Guardianship**

**Financial circumstances Assessment Form**

PLEASE COMPLETE ALL SECTIONS (Please state “None” if none).

If you require assistance in completing this form please telephone Swindon on 01793 465700.

Note to Applicants: Under the Data Protection Act, Swindon Borough Council will retain all information supplied by you when you complete this form. The information will be used to assess the applicant’s financial contribution towards the cost of the service provided, and for monitoring and administrative purposes.

1. **Applicant Details**

**1.1 Applicants Name and Contact Details**

Titles First Name Last Name

Applicant 1: ……………………………………………………………………………………………………………………………………………………….

Applicant 2: ……………………………………………………………………………………………………………………………………………………….

Address: ……………………………………………………………………………………………………………………………………………………….

……………………………………………………………………………………………………………………………………………………….

Post Code: ………………………………………………. Telephone: …………………………………………………………

**1.2** **Name(s) of special guardian child (ren) to whom application relates**

Name (first name only) Date of Birth Age Financial Dependant

…………………………………………….. ………………………………….. …………………..

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**1.3 Name(s) of all resident at the above address**

Name (first name only) Date of Birth Age Financial Dependant

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**2. Income**

Please make sure you have read the “Financial Assessment Guidance Notes” and “Evidence Check List” enclosed, before completing this section. Enter income under each heading using the weekly or monthly column as appropriate. All income must be declared:

**2.1 Earnings**

**2.1.1 Wage Earners**

Weekly Monthly

Net salary or wages – Applicant 1 ……………………………….. ………………………………..

Net salary or wages – Applicant 2 ……………………………….. ………………………………..

Overtime payments – Applicant 1 ……………………………….. ………………………………..

Overtime payments – Applicant 2 ……………………………….. ………………………………..

**2.1.2 Self-employed people**

Drawings as per year end accounts for most recent year

as recognised by the Inland Revenue ……………………………….. ………………………………..

**2.2 Pensions, Allowances and Benefits**

Money received under Maintenance or Separation Weekly Monthly

Order, or from the Child Support Agency

Child Benefit ……………………………….. ………………………………..

Child Tax Credit ……………………………….. ………………………………..

Working Tax Credit ……………………………….. ………………………………..

Universal Credit ……………………………….. ………………………………..

Jobseeker’s Allowance ……………………………….. ………………………………..

Income Support ……………………………….. ………………………………..

Sickness Benefits ……………………………….. ………………………………..

Housing Benefit ……………………………….. ………………………………..

Other special guardianship, adoption or fostering allowances ……………………………….. ………………………………..

State Pension ……………………………….. ………………………………..

Private Pension ……………………………….. ………………………………..

Other (please specify)

………………………………………………………………………….. ……………………………….. ………………………………..

**2.3 Equity, Savings and Investments**  Weekly (£) Monthly (£)

Income from Investments, savings and annuities ……………………………….. ………………………………..

Income from lodgers, tenants and sub-tenants, rental income ……………………………….. ………………………………..

Other equity e.g. tied up in a second home ……………………………….. ………………………………..

Any other income, please specify

…………………………………………………………………………………… ……………………………….. ………………………………..

…………………………………………………………………………………… ……………………………….. ………………………………..

…………………………………………………………………………………… ……………………………….. ………………………………..

* 1. **Financial Resources of the Child (ren)**

Weekly (£) Monthly (£)

Trust Funds ……………………………….. ………………………………..

Lump Sum Payments ……………………………….. ………………………………..

Any other known financial benefit(s) which the child (ren) receive(s), or to which he/she/they are entitled.

(Please specify) e.g. disability allowance

…………………………………………………………………………………… ……………………………….. ………………………………..

…………………………………………………………………………………… ……………………………….. ………………………………..

1. **Commitments and Outgoings**

Your allowable commitments are the following. Please note **all** usual household expenses will be taken into account as core family expenditure within the assessment process.

Weekly (£) Monthly (£)

Mortgage Repayment (or Mortgage Interest and Endowment

Premium) ……………………………….. ………………………………..

Rent ……………………………….. ………………………………..

Council Tax ……………………………….. ………………………………..

Contributions to Personal Pension Plans ……………………………….. ………………………………..

Any commitment under a Court Order (please give details)

…………………………………………………………………………………… ……………………………….. ………………………………..

Any other commitments and outgoings, please specify

…………………………………………………………………………………… ……………………………….. ………………………………..

…………………………………………………………………………………… ……………………………….. ………………………………..

…………………………………………………………………………………… ……………………………….. ………………………………..

**3.1** **Regular Family Expenses**

Please give details of any additional regular family expenses that you wish to be taken into consideration for the assessment. Please note **all** usual household expenses will be taken into account as core family expenditure within the assessment process.

Weekly (£) Monthly (£)

…………………………………………………………………………………… ……………………………….. ………………………………..

…………………………………………………………………………………… ……………………………….. ………………………………..

…………………………………………………………………………………… ……………………………….. ………………………………..

1. **Additional information in support of your financial application**

**5 Declarations**

I/We have read and understood the accompanying guidance notes

I/We certify that the details on the application form are correct to the best of my/our knowledge and

I/We request assessment for a Special Guardianship support Allowance

I/We confirm that the named guardianship child (ren) (Please delete as appropriate):

1. Are still living with me/us or
2. Is to be placed with me/us for guardianship on: (Date) ……………………………………………..

**Signed Date**

……………………………………………………………….. ……………………………………………………………..

(Applicant 1)

……………………………………………………………….. ……………………………………………………………..

(Applicant 2)

**Please Note:** In line with **The Special Guardianship Regulations 2005**; all regular payments are subject to annual review.

Please specify details of bank account into which payments are to be made if application is successful.

Name of Bank: .....…………………………………………………………………………………………………………….……

Sort Code: ...……………………………………………………………………………………………………………………

Account Number: ………………………………………………………………………………………………………………..…….

Name(s) in which

account held: ….…………………………………………………………………………………………………………………..

**Return Address Details**

Fostering Team, Lyndhurst Centre, Lyndhurst Crescent, Park North, Swindon, SN3 2RW

**Financial Support Application – Evidence Check List**

Photocopy Evidence is required with **all** Assessments: If Original submitted these will be photocopied and returned.

|  |  |
| --- | --- |
| **SECTION: 2 income** | **EVIDENCE REQUIRED** |
| **Earnings** | |
| Basic **net** monthly pay | Salary/Wage Slip (if it varies then 3 months slips) |
| Drawings if self employed | Proof of money drawn |
| **Pension, Allowances and Benefits** | |
| Employers’ sick pay (after compulsory deductions) | Salary/Wage Slip |
| Incapacity benefit | Entitlement Letter or evidence of payment (Bank Statement) |
| Statutory maternity, paternity and/or adoption pay and/or maternity allowance | Salary/Wage Slip |
| Bereavement benefit | Entitlement Letter or evidence of payment (Bank Statement) |
| Working tax credit (if paid directly and not as part of pay and excluding any childcare element paid) | Entitlement Letter or evidence of payment (Bank Statement) |
| All pension payments being received | Entitlement Letter or evidence of payment (Bank Statement) |
| **Other benefits** | |
| Income Support/Jobseeker’s Allowance per household | Entitlement Letter or evidence of payment (Bank Statement) |
| Tax credit/Universal credit per household | Entitlement Letter or evidence of payment (Bank Statement) |
| Child benefit for each child | Entitlement Letter or evidence of payment (Bank Statement) |
| Income from capital, savings and investments – net monthly interest | Proof as available |
| Income from boarder/lodgers (see guidance for details of calculation) | Proof as available |
| Income from unfurnished properties | Proof as available |
| Income from furnished properties |  |
| Maintenance payments received for any child in household | Proof as available |
| Existing adoption or special guardian `allowances` (including any enhancements or specific payments for special needs) paid for any child | Entitlement Letter or evidence of payment (Bank Statement) |
| Capital Assets | Proof as available |
| Stocks, Shares Notional Savings | Proof as available |
| Other Capital | Proof as available |

|  |  |
| --- | --- |
| **SECTION: 2 income** | **EVIDENCE REQUIRED** |
| **Financial Resources** | |
| Any regular interest on capital and/or income in which the child (ren) has a legal interest and entitlement e.g. trust fund, property or other type of legacy. Do not include payments from Criminal Injuries Compensation Awards | Entitlement Letter or Bank Statement |
| Any other income | Proof as available |
| **SECTION: 3 Commitments and Outgoings** | **EVIDENCE REQUIRED** |
| **Home** | |
| Mortgage payments (capital and interest) including any endowment payments linked to mortgage | Mortgage Statement or Bank Statement clearly identifying payment |
| Rent (after any housing benefit payable) | Letter and Bank Statement |
| Council tax (after any council tax benefit payable) | Valid council tax statement or evidence of payment (Bank Statement) |
| **Other outgoings** | |
| Loan repayments for essential purposes (Housing improvement etc.) | Loan Statement/Letter and Bank Statement |
| Reasonable child care costs including nursery fees (after any childcare element paid as part of the working tax credit) | Copy of invoice for nursery fees paid |
| Private pension contributions | Letter and Bank Statement |
| **SECTION: 4 Additional Information** | **EVIDENCE REQUIRED** |
| **Home** | |
| Further information you feel is relevant | Proof as payable |

**Appendix 1**

**Foster Carer Payments Scheme – Swindon Borough Council 2018**

**Allowances paid**

The allowances we pay for children are decided in line with guidance from the DfES and Fostering Network and only change each April with small inflationary increase. For 2017/2018 they will be;

* Age 0-4 - £147.00
* Age 5-10 - £167.00
* Age 11-15 - £240.00
* Age 16-17 - £254.00

**The new scheme will pay the following, additional to the allowances we pay for the children;**

**Level One**

£58 per child per week

**Level Two**

£80 per child per week

**Level Three**

£135 per child per week

**Level Four – Specialist Carers (This is a new level)**

* Specialist Out of Hours Emergency/ Bail & Remand: £250 per placement, per week (plus Allowance)
* Parent and Child: Assessment Placement £615 per week, Support Placement £460 per week (plus Allowance)
* Significantly challenging adolescents: £250 per placement per week (plus Allowance)

# **Special Guardianship Order Allowance**

Bank details to enable the allowance to be paid into bank account. The details required below can be found in your cheque book

|  |  |
| --- | --- |
| Name of bank |  |
| Address of bank |  |
| Bank Sort Code |  |
| Name of account holder(s) |  |
| Account number |  |
| Signature of account holders |  |
| Date |  |
| Address |  |

**National organisations:**

**The Grandparents Association (0845 434 9585)**

Advice and support for grandparents on issues or residence, childcare, welfare benefits, contact with grandchildren and many other issues.

[www.grandparents-association.org.uk](http://www.grandparents-association.org.uk)

**Grandparents Plus (0300 123 7015)**

Advice and support for grandparents and other kinship carers caring full-time for a child.

[www.grandparentsplus.org.uk](http://www.grandparentsplus.org.uk)

**Family Rights Group (0808 801 0366)**

A national charity that advises families whose children are involved with or need children's services because of welfare needs or concerns. They have lots of useful leaflets, an online forum, and provide a confidential advice service for parents and family and friends carers.

[www.frg.org.uk](http://www.frg.org.uk)

**Government websites and links**

[www.justice.gov.uk/forms/hmcts](http://www.justice.gov.uk/forms/hmcts)

[*http://www.sharefound.org/home/your-junior-isa*](http://www.sharefound.org/home/your-junior-isa)*)*

[*http://www.hmrc.gov.uk/tools/childtrustfundclaim/ctfaccount.htm*](http://www.hmrc.gov.uk/tools/childtrustfundclaim/ctfaccount.htm)

For Free legal information, help and advice contact **Community Legal Service Direct** on 08453454345 or [www.clsdirect.org.uk](http://www.clsdirect.org.uk)

**Further information**

[The Special Guardianship Regulations 2005](http://www.legislation.gov.uk/uksi/2005/1109/contents/made)

[The Special Guardianship (Amendment) Regulations 2016](http://www.legislation.gov.uk/uksi/2016/111/made)

[Children Act 1989](http://www.legislation.gov.uk/ukpga/1989/41/contents)

[Adoption and Children Act 2002](http://www.legislation.gov.uk/ukpga/2002/38/contents)

LIST OF SOLICITORS EXPERIENCED IN CHILD CARE WORK

# **Swindon**

## **Royds Withy King Solicitors**, **34 Regent Circus, Swindon**

## **Tel: 01793 847744.** Mrs. Rebecca Stevens 07789816225 email: rebecca.stevens@roydswithyking.co.uk (out of hours service available)**,**

## **Tel: 01793 847741** Miss Jayne McPherson,

Bevirs Solicitors, 36 Regent Circus, Swindon Tel: 01793 532363

**Miss Claire Webb (338) Miss Kathyrn Locke (ext 326), Miss Rebecca Scammell (ext 327), Mrs Hilary Bowles (ext 325)**

Reeds Solicitors 10 Commercial Road, Swindon SN1 5NF

Tel: 01793 683989 Jane Graham, Debbie Lowe

# **Bath**

Stone King Solicitors, 13 Queens Square, Bath Tel: 01225 337599

## Ms. Lydia Berry Tel: 01225 326 786

Ms Lucy Smith Tel: 01225 324402

Withy King Solicitors, 5-6 Northumberland Buildings, Queen Square, Bath.

Tel : 01225 425731. **Mr Richard Ellis**

Mowbray Woodwards Solicitors, 3 Queen Square, Bath, BA1 2HG

Tel: 01225 485700 **Daniella Nickolls**

**Chippenham**

Jeary and Lewis Solicitors, 46 Market Place Chippenham SN15 3HU

Telephone: 01249 444484

# **Bristol**

Bobbetts Mackan Solicitors, 17 Berkeley Square, Clifton, Bristol. Tel: 0845 1202350

## Miss Sally Mitchell

# **Melksham**

Wansboroughs, Solicitors, Oakwood House, 7 Spa Road, Melksham, SN12 7NP.

Tel: 01225 896100 **Ms Naomi Owen** [**Naomi.owen@wansbroughs.com**](mailto:Naomi.owen@wansbroughs.com) **(out of hours) and Aimee Pearce**

**Banbury**

Brethertons Solicitors Malvern House Waterperry Court Middleton Road BANBURY OX16 4QD **Joanne Soar**, Tel: 01295 661550

To (insert) Solicitors

(Address)

Tel:

Email:

Our ref:

Dear Sirs

**Re: Advice in relation to proposed Special Guardianship Order re (insert name of Child)**

The Local Authority has agreed to fund legal advice to the proposed Special Guardians in this case, (insert name of proposed Special Guardians)

**Your funding:**

In the first instance the Local Authority will fund the following:

1. Attendance with proposed Special Guardians: One hour of legal advice @ £56.70 per hour. This session will take place prior to the commencement of the Special Guardianship Assessment to discuss the nature of a Special Guardianship Order , how an application is made, the assessment process and the implications if they were to be made Special Guardians to the child/children.
2. Subject to any Special Guardianship Assessment being positive, the Local Authority will fund a further attendance with proposed Special Guardians: 1 hour @£56.70 per hour to discuss the final Special Guardian Report and Support Plan and the next steps in the application process.
3. If the matter is within care proceedings or contested private law proceedings the Local Authority will fund perusing papers/drafting a position statement: 3 hours @ £54.90 per hour.

The maximum that the Local Authority will fund in the first instance is £280.80 plus VAT.

The Local Authority will thereafter agree any further funding on a case by case basis. This will depend on the circumstances of each case, to include whether the application is contested and whether representation of the Special Guardians at contested court hearings will be funded.

**The Local Authority is funding you to provide advice in relation to the following:**

• who may apply for a special guardianship order?

• the circumstances in which a special guardianship order may be made

• the nature and effect of special guardianship orders, to include the expectation it will last until the child’s majority

• support services for those affected by special guardians

This advice should include information relating to:

Applications to vary or discharge the Order, managing contact, parental responsibility, how a Special Guardianship Order differs from adoption, circumstances where leave of the court must be given, Local Authorities requirements to make arrangements for the provision of special guardianship support services, assessment of needs for special guardianship support services, and the planning and the reviewing of those support services, what the Local Authority has to consider in the report.

Please make an appointment to meet with the proposed Special Guardians a soon as possible.

Upon finalising your advice please sign and return this letter to the email address above.

If you require clarification in relation to any part of this letter please contact Anne Goodenough, Lead Childcare Lawyer on 01793 463048.

Yours faithfully

Law and Democratic Services

Swindon Borough Council

We confirm that we have provided advice to the proposed Special Guardians as outlined above.

Signed ………………………………………………………………………….…………………………………

Dated …………………………………………………………………………………………………..……….