

Special Guardianship Policy

Assessment, planning and support for Special Guardians in Devon

Kinship Service
Devon County Council

Policy Owner:	Approved:	Review date:
Emily Hextall, Head of Service – Fostering and Kinship	April 2023 Senior Management Team (SMT), Children’s Services	April 2024

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1 Introduction

Special Guardianship is a private law order which grants a person parental responsibility for a child, but without removing parental responsibility from any other person. As a result, it differs from an Adoption or Care Order in the extent of its intended permanence for the child. It is more secure than a residence order but does not end the legal relationship between the child and their birth parents. Special Guardianship Orders are designed for children who are not able to live with their birth parents and would benefit from legal security in their alternative living arrangement, but without complete legal separation.

A Special Guardian is usually related to the child or is connected to them. Special Guardians are legally able to make almost any decision about the child's life, without requiring permission from the child's birth parents.

Local authority children's services have responsibilities to provide advice, guidance and support services to prospective and current special guardians.

Purpose

This policy outlines the core commitments, standards and requirements for how Devon County Council assesses and supports Special Guardians, with the principal aim of ensuring the stability and continuity of positive and caring homes for children in Devon. This document provides information for practitioners, Special Guardians and prospective Special Guardians alike.

Devon context

Devon County Council's [Sufficiency Strategy 2022-2024](#) sets out the Council's vision and commitment for children in Devon to have a safe, stable and caring place to live. Facilitating and supporting Special Guardianship Orders (SGOs) in Devon, where it is in the best interests of the child, plays a key role in achieving this vision. SGOs provide children, who are unable to remain living with their birth parents, with the opportunity to grow up within their existing family, friend and community networks, without needing to be in local authority care.

Devon County Council (DCC) currently provides support for Special Guardians through its Kinship Service. Under the terms of the [legal framework](#) for Special Guardianship in England, the service offers the following:

- Information, advice and guidance for prospective, and current, Special Guardians
- Viability and Special Guardianship assessments and any support needs
- Ongoing practical and therapeutic support for special guardians to support the stability and continuity of arrangements in the interest of the child
- Regular and/or one-off financial support where applicable

2 Values and principles

To support Devon County Council's vision of ensuring all children in Devon have a safe, stable and caring place to live, this policy is underpinned by the following values and principles:

Working restoratively - we believe that strong, meaningful and trusting relationships are the key to achieving positive, transformative and lasting change in people's lives. More information about Restorative Practice can be found on the Devon Children and Families Partnership [website](#).

Hearing the voice of the child - the views, wishes and interests of children will be listened to, heard and understood, and will inform all decision-making and planning affecting their lives.

Keeping children at the heart of all we do – decisions made about children's lives will be based on the individual needs, circumstances and interests of the child.

Supporting children to grow up in resilient families and communities – children are best brought up in families and deserve to grow up with nurturing family, friend and community networks around them. Families will be supported to find solutions in their own lives and provide safety, stability and love for their own children. Wider family, friend and community networks play a key role in children's lives. We will support children to be safe and well without the need for local authority care where possible.

Forward-thinking and outcome-focused - if a child is at risk within their immediate families, every effort will be made early on to identify potential carers within the child's network of family or friends who are able and willing to care for the child before needs escalate.

3 Legal framework

Background

A [review of adoption](#), commissioned by the Prime Minister and published in 2000, found that, while the long-term security of adoption was a positive for many children, there was a need for a separate legal status which provided this security while not cutting all legal ties with the birth family. Following the review, Government legislated for the creation of an alternative legal option through the Adoption and Children Act 2002, which amended the Children Act 1989. This option sought, for the first time, to provide a comparable level of permanence for children, as an alternative option to adoption. This is known as Special Guardianship.

Legislative context

The following pieces of legislation regulate Special Guardianship in England:

- The Children Act 1989, as amended by the Adoption and Children Act 2002
- The Special Guardianship Regulations 2005, amended 2016

The Department for Education published [statutory guidance](#) in January 2017 for local authorities on the Special Guardianship Regulations 2005, following the amendments made in 2016.

A summary of the legislative context, including relevant case law, can be found on the [CoramBAAF website](#). More information on the legislative context of Special Guardianship in England can also be found in [appendix 7.1](#).

4 Assessing prospective Special Guardians

Devon County Council must be given three months' written notice by any person(s) wishing to apply for an SGO, unless leave of Court has been granted and the notice period is waived. The three month period allows for the required assessments to take place and a support plan to be developed prior to the granting of any SGO.

Viability Assessments

Before a full SGO Assessment commences, Devon County Council will be assured that the living arrangement under the prospective SGO is viable for the child and that the application for an SGO is likely to be made by the Court, based on the presenting evidence. The assessment is not a legal requirement under the SGO Regulations, but it is good practice to ensure, from an early stage, that non-viable arrangements are not supported and progressed. Viability assessments also mean prospective special guardians do not engage in an unnecessary and lengthy application process.

Where the child has a Social Worker in the Children and Families team, their Social Worker is responsible for completing the Viability Assessment. However, it should be conducted in collaboration with the Kinship Service who will provide specialist professional advice and guidance. For all other children, the Kinship Assessment Social Worker completes the assessment.

It is expected that the Viability Assessment includes a visit to the home of the prospective Special Guardians. Where necessary and appropriate, according to the professional judgement of the Social Worker, further visits may be required. The assessment will cover the intentions, background and circumstances of the prospective Special Guardians, as well as the needs and wishes of the child and the living environment. Criminal background checks are also conducted as part of the Viability Assessment. In order to prevent future delay in any further assessment, information in relation to the background checks will be obtained from the prospective carers at this stage. If the arrangement is deemed to be viable for the child, a full SGO Assessment subsequently begins.

It is important that viability assessments are undertaken openly, honestly and in partnership with the prospective Special Guardians. They should also be conducted with an understanding of the dynamics of the child's immediate and extended family and friend network, taking into account any known concerns that would impact on the ability to care for the child and promote their best interests. Underpinning all Viability Assessments is an approach which views the arrangement as potentially positive for the child and it is the role

of Devon County Council to explore ways in which this can be safely and sustainably supported.

More information on viability assessments can be found in the [appendix 7.2](#).

Special Guardianship Order (SGO) Assessments

Where Devon County Council believes a prospective Special Guardianship arrangement to be viable for the child following an initial assessment, a full SGO Assessment commences. SGO Assessments build on the Viability Assessment and ultimately support the Court's decision-making on the issuing of any SGO.

SGO Assessments are conducted in line with Regulation 21 of the Special Guardianship Regulations 2005 and must therefore be completed within a timescale of three months, subject to all checks and references being returned in time by the applicant(s).

When conducting SGO Assessments, the local authority must consider the needs of the child and the ability of the prospective Special Guardians to meet the child's needs.

A comprehensive list of the requirements of SGO Assessments can be found in the [appendix 7.3](#).

The local authority will take up additional checks when deemed necessary and relevant, including interviews with significant others; particularly those that live or spend significant time within the prospective Special Guardian's household.

Throughout this process, applicants will be given advice by the Kinship Service Assessing Social Worker who is allocated to undertake the assessment. Information, advice and guidance can also be found on the [Kinship Charity's website](#), and prospective Special Guardians may seek independent legal advice.

5 Non-financial support

Following assessment, to meet the needs of any identified support needs of the child and/or Special Guardians alike, a support plan is developed by the child's Social Worker, alongside the Kinship Service Social Worker and is reviewed annually. The plan sets out all provision of support, including financial, which will be provided by the local authority and universal services. The child's Social Worker is responsible for ensuring the views, needs and interests of the child are represented and addressed in the plan.

Core offer for Special Guardians

Subject to service review, non-financial support currently available to Special Guardians includes the following:

- A point of contact for reviewing support needs, as well as referral and signposting to relevant services
- Following the completion of a support needs assessment, where required, the provision of a Family Practitioner to offer support and advice to Special Guardians.

This may include assisting the Special Guardians to support the child's emotional wellbeing and/or managing contact with their birth parents

- Access to training courses and workshops on themes such as therapeutic parenting, life-story work and nurturing attachments
- Regular Special Guardian support groups
- A regular newsletter detailing important information relevant to being a Special Guardian and the support offered
- Where a child has previously been in care, the SGO support team can assist with applications to the Adoption Support Fund (subject to government funding) to assist in meeting specific needs
- Financial support, as detailed below

Support for ongoing contact with birth parents

Continuing to see birth families regularly is often crucial for a child living with Special Guardians to understand their life-story, build their resilience and develop their own sense of identity during childhood and adolescence. However, for many children, seeing their birth families can also be a potentially traumatic experience. Relationships between birth families, children and special guardians can often be complex and challenging. In this context, maintaining a positive balance between understanding and re-enforcing the importance of birth family contact, and navigating its complexities is vital.

Contact arrangements should be set out as part of the SGO assessment and support plan. For some children, informal arrangements will be agreed between the special guardians and the birth parents. However, where there are complexities, arrangements may be made more explicit as part of the assessment and plan.

On a case by case basis, depending on the needs and circumstances of the Special Guardians and the child, the following support may be provided by Devon County Council in order to facilitate contact with birth families:

- Practical, therapeutic and/or financial support to ensure contact arrangements are put in place and sustained. This is provided for a transitional period, and it is expected that Special Guardians will continue to support contact for the child in the long-term
- A training session for Special Guardians in supporting contact with birth families
- Some mediation where there are identified risks or safeguarding concerns

Where they may be potential conflict involved in contact with birth families, Special Guardians are encouraged to seek advice from the Kinship Service in the first place. At all times, the level and nature of contact should always be in the best interests of the child.

6 Financial support

General principles

While the local authority does not usually have parental responsibility for a child who is subject to an SGO, it is recognised that additional financial support may be required to support the continuity of special guardianship arrangements for the child. Local authorities have a general duty to ensure financial reasons are not the sole barrier to the viability and sustainability of special guardianship arrangements. In this context, except where indefinite ongoing financial support is agreed, any support will be subject to routine means-testing.

Financial support is either payable as a regular allowance, based on the premise of meeting recurring costs relating to the care of the child, or as a single payment for meeting any one-off costs. Financial support for special guardians should not be considered as a means of salary or payment for the care of the child. Rather, it is to maintain the viability of the arrangement in the best interests of the child.

Assessing and reviewing financial support needs

Financial support is payable when the Local Authority considers it necessary for the Special Guardian to look after the child.

In private proceedings, a Financial Needs Assessment can be requested by carers who have made a SGO application or requested by those who are already caring for a child under an SGO.

Financial Needs Assessments will consider the following:

- The child’s individual needs
- The circumstances of their prospective Special Guardians, including financial circumstances and their access to any benefits or financial support from other agencies
- Whether the Council has any other duties towards the child (for example if they are a child in need)

Special Guardians are expected to apply to known sources of applicable financial support for the care of the child. Information, advice and guidance on claiming financial support can be found via [Citizens Advice](#) or via their targeted project [Quid’s 4 Kids](#) which is available to people looking after children with an SGO.

Where Special Guardians are eligible for alternative sources of financial support, deductions will be made accordingly to any regular allowance payable. Any deductions will be equal to the amount received in alternative financial support. The Financial Needs Assessment will assess whether alternative financial support may be available.

In any instance where it is decided that a financial assessment will not take place, notice will be given of this decision in writing, with the reasons set out. From this date, 28 days are allowed to make representations in relation to the decision. Any representations are considered by the Head of Service for Fostering.

Regular allowances

Regular allowances for Special Guardians are summarised as follows:

Name	Description	Eligibility	Review
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Regular allowance	Standard Fostering Devon allowance , minus Child Benefit and any child-related element of Universal Credit	Special Guardians who, at the time of the SGO being made, were the foster carers of the child in their care.	Guaranteed for 2-year transitional period Means-tested annual review thereafter
Regular allowance <i>Subject to financial needs assessment</i>	Standard Fostering Devon allowance , minus Child Benefit and any child-related element of Universal Credit	Where the child would otherwise come into the care of Devon County Council and regular financial support is needed to ensure the continuity of the special guardianship arrangement (determined by assessments)	Means-tested annual review
Continuation of additional Fostering Devon training allowance	Fostering Devon training allowance	Special Guardians who, at the time of the SGO being made, were the foster carers of the child in their care. An additional training allowance was paid to the foster carers immediately before the SGO was granted	Guaranteed for 2-year transitional period Means-tested annual review thereafter
Continuation of needs-related fostering rates	Fostering Devon Enhanced or Enhanced Plus rates	Special Guardians who, at the time of the SGO being made, were the foster carers of the child in their care. Fostering allowance, at time of the SGO being made, was paid at either an Enhanced or Enhanced Plus. Any former foster carers, who were previously caring for the child through an IFA, will receive a continuation of their allowance up to a maximum of the Enhanced Plus rate.	Guaranteed for 2-year transitional period Means-tested annual review thereafter

Discretionary regular allowance	Standard Fostering Devon allowance , minus Child Benefit and any child-related element of Universal Credit	<p>Where the eligibility criteria above do not apply, but DCC supports the arrangement, and it is assessed that ongoing financial assistance would support the viability and sustainability of the SGO which is in the interests of the child.</p> <p><i>This must be agreed by the Head of Service.</i></p>	Means-tested annual review
Additional needs-based health and care allowance	Needs-based allowance to meet the child's physical, mental, emotional and/or behavioural needs which relate to a serious and long-term condition	<p>Where the Local Authority considers that it is necessary to ensure that the SG or prospective SG can look after the child or where the Local Authority considers that the child needs special care because of illness, disability, emotional or behavioural difficulties or the consequences of earlier life experiences.</p> <p>Payments are only considered once all relevant disability allowances and benefits have been applied for, and statutory health needs-related costs being met by the NHS. This must be evidenced</p>	Means-tested annual review

Eligibility for a regular allowance

Subject to a financial needs assessment and annual review, the provision of a regular allowance is premised on the basis of ensuring the continuation of support and care for the child.

Where the prospective Special Guardians, at the time of the making of an SGO, receive a regular financial allowance from the local authority as foster carers for the child, a regular allowance – equal to their regular allowance as foster carers – will be guaranteed for the first two years of an SGO.

Prospective Special Guardians, who are foster carers for the child with an Independent Fostering Agency at the time of application, will also receive the same regular allowance as they received as foster carers. However, this must not exceed the maximum Fostering Devon rate.

Where the prospective Special Guardians are not foster carers for the child, but it is assessed that the child would otherwise come into the care of DCC were it not for the care and support provided by the prospective Special Guardians, a financial needs assessment will be conducted, and a regular allowance may be provided

For all regular allowances, the current rate of child benefit will be automatically deducted from the payable amount by DCC. Special Guardians are expected to apply separately for child benefit. Any child-element of Universal Credit, if received by the Special Guardians, will also be deducted. Special Guardians must inform DCC if they are in receipt of any child element.

A process map for the provision of financial support for Special Guardians can be found in the [appendices](#).

Financial contract

Details of any financial support provided by Devon County Council will be set out in the financial contract. This includes the payment amounts, frequency of payments, method of payments and review schedule.

Means-tested review of regular allowances

Regular financial allowances for Special Guardians will be reviewed on an annual means-tested basis, except where Special Guardians were formerly foster carers of the child. For former foster carers of the child, the allowance they were receiving at the point at which the SGO was made will continue for a transitional period of two years after the SGO is first granted. Following this, any regular payment will be subject to a means-tested annual review and is therefore not guaranteed. Special Guardians are expected to use the transitional period to adjust to the new arrangements.

Before an annual review of regular allowances, requests will be made by DCC at month 10 of that year for details on the current financial circumstances of Special Guardians. Where financial circumstances have changed, a new financial needs assessment will be conducted. It remains the legal responsibility of Special Guardians, who receive regular financial support, to inform DCC of any change in financial circumstance at any point in the year. Failure to do so may result in the return of overpayments to DCC.

With parental responsibility, Special Guardians should be prepared to meet the long-term costs of caring for the child. In this context, any financial support that is provided by DCC is primarily for the purpose of securing a Special Guardianship arrangement where it would otherwise not be possible due to financial barriers. The Department for Work and Pensions (DWP) remains the body with primary responsibility for providing financial support to anyone with parental responsibility in order to meet the welfare needs of their children.

Where regular allowances are no longer payable

Any financial payments will cease should any of the following conditions apply:

- The child ceases to have a home with the Special Guardians for any reason
- The child ceases to be in full time education or training and commences employment

- The child qualifies for Income Support or Jobseeker's allowance in their own right
- The child reaches the age of 18, unless in full time education or training. Where the child is in full-time education or training, in exceptional circumstances, the allowance may last until the end of the education or training course

Single payments

Where, at the time of the SGO being made, the child is a Child in Need, single one-off payments may be made where they are required to meet one-off costs in relation to supporting the Special Guardianship arrangement of a child. The premise of these payments is solely to meet one-off costs which would help meet the child's needs and support the viability of the special guardianship arrangement on a non-recurring basis. Financial support to meet any recurring costs related to ongoing needs, will be covered by any regular allowance received by Special Guardians.

Single payments may include the following:

- Some legal costs associated with the Special Guardianship Order, including for the application and/or initial legal advice, where DCC supports the application
- Equipment and home adaptations
- Any other items required for the purpose of looking after the child, including toys, furniture and clothing
- Means of transport

Where specific costs are payable by another agency, for example home adaptations for a disabled child, these should be applied for separately by the Special Guardians. However, other than where specified, financial means will not be taken into account when considering the financial support payable to assist with one-off costs associated with the special guardianship arrangement.

Any financial support payable as a one-off single payment should have the agreement of the child's social worker and will be approved by the Service Manager – see [appendix 7.4](#) for details of financial decision-making.

More information on meeting legal costs can be found in the [appendix 7.4](#).

Other financial support

Other financial support needs may be identified during the needs assessment or subsequent reviews. For example, for the purpose of facilitating contact with the child's birth family and/or significant others.

Where the home environment is not deemed suitable due to overcrowding, adaptations and extensions to properties may be considered by the Special Guardianship team. In these circumstances, the Kinship worker supporting the Special Guardians, will complete a needs assessment including whether the Special Guardianship arrangement continues to be viable should additional support not be provided. If the home is not deemed suitable to meet the needs of the child, the Kinship Team Manager and Senior Manager will consider on a needs-led basis what support may be offered.

In exceptional circumstances, where it is identified that there is a need for financial support that is not included in the regular allowance and cannot be met by a single payment, then a meeting may be convened between the Kinship Service Worker, Special Guardians, Team Manager and the relevant financial decision-maker. The meeting should be called as soon as is reasonably possible and all information must be provided ahead of the meeting in order for a fully-informed decision to be made.

Decision-making

A summary of financial decision-making can be found in [appendix 7.4](#).

Correspondence with Special Guardians

Where DCC decides that financial support is to be provided, they must notify the Special Guardian in writing of:

- The basis upon which financial support has been determined.
- The amount of financial support; including any deductions as is set out above.
- When the first payment of financial support is to be made, both for single and ongoing payments.
- The frequency with which the payment will be made.
- When the payment/s will cease.
- The arrangements and procedure for review, variation, and termination of financial support.
- Any conditions attached to the payment.

The basis for the decision should be briefly set out in the correspondence sent to the carer(s) and further detail, where required, set out in the updated SGO Support Plan.

7 Appendices

7.1 Legislative context

Parental responsibility

An SGO is a legal order making someone a Special Guardian of a particular child or children. Special Guardians have [Parental Responsibility](#) for the child and they are able to exercise this responsibility without seeking the permission of any other person(s) with parental responsibility, except any other Special Guardians. The intention of the legislation is to provide Special Guardians with a significant degree of autonomy in relation to the care of the child without cutting all ties with the birth parents. In this context, written consent from all persons with parental responsibility, or leave of the court, is required in the following instances:

- if there is a proposal for the child to be known by an alternative surname or
- a proposal for the child to be removed from the United Kingdom for more than 3 months

When an SGO can be made

A court may make an SGO in any family proceedings concerning the welfare of the child. For the majority of SGOs, this is where prospective Special Guardians submit an application with the support of the local authority. However, a court may make an SGO even where no application has been made, such as during care or adoption proceedings.

Care orders and SGOs may co-exist where the circumstances and the welfare of the child allows. When a Care Order is made for a child being looked after under a Special Guardianship Order, it does not automatically revoke the SGO. However, an SGO automatically removes an existing Care Order. Where an SGO and Care Order co-exist, the local authority retains the ability to determine the extent to which any other person may exercise their parental responsibility where it is necessary to safeguard and promote the welfare of the child.

Who can apply to be a Special Guardian?

All Special Guardians must be over the age of 18. They may be a single applicant or as part of a joint application. Joint applicants do not need to be married.

The following people may apply without first obtaining leave of court:

- A guardian of the child
- A local authority foster carer with whom the child has lived for one year immediately preceding the application*
- Anyone who holds a Child Arrangement Order with respect to the child, or who has the consent of all those in whose favour the order is in force
- A relative with whom the child has lived for one year immediately preceding the application
- Anyone with whom the child has lived with for at least three years
- Any person who has the consent of the local authority, where the child is in the care of the local authority

- Anyone who has the consent of all those with parental responsibility for the child
- Any person, including the child, who has the leave of the Court to apply

*where a local authority foster carer of a child is not a relative, and has not cared for the child for at least 1 year, they must obtain the consent of the local authority

Duties of local authorities

Local authorities have statutory responsibilities to provide some special guardianship support services, including financial support. In providing support, local authorities are required to assess the circumstances and needs of prospective Special Guardians and children, as well as review the support provided.

Special guardianship legislation operates alongside the Children Act 1989 and allows for advice and assistance to continue to be provided by the relevant local authority where a child who is subject to a SGO was previously a 'looked after child' when the Order was made. Local authorities have a duty to make the same provisions for these children, as is afforded to any other child qualifying under the Children Act 1989, where it is required to meet their welfare needs.

Where a child and special guardian reside outside of Devon, Devon County Council will retain responsibility for the provision of annual means tested financial allowances for the duration of their childhood. Devon County Council is responsible for the provision of all other support services for three years following the making of an SGO. After this time, the Local Authority in which the child and special guardian reside will assume responsibility for the provision of support services.

7.2 Viability Assessments

Structure of viability assessments

Areas included in the Viability Assessment	What is being assessed
Family Composition	<p>The quality of relationships and level of trust, respect and love between the child and the prospective Kinship Carers.</p> <p>Contextualised understanding and analysis of safety within the home, including any history of abuse, harm and/or neglect.</p>
Family Network	<p>The level of cohesion, support and loyalty around the child within the wider family network.</p> <p>The level of acknowledgement and understanding of the situation for the child among the family network.</p> <p>The quality of the current relationship between the child, the prospective carers and the child's birth parents.</p>

	<p>Ability of the prospective carers to maintain important family links for the child.</p>
<p>Background Factors: Family history and current functioning</p>	<p>Level of awareness, acceptance and understanding by the family of how experiences have affected the child and the family.</p> <p>Evidence of the prospective Kinship carers' ability to resolve challenges and achieve positive and lasting change.</p>
<p>Health and Police Checks</p> <p><i>Where any issues are identified by the Criminal background checks, a DBS 2 Risk Assessment and Decision form is completed by the Social Worker completing the assessment and must be authorised by the Deputy Chief Officer.</i></p>	<p>The ability of prospective Kinship carers to care for the child, keep them safe, and nurture them throughout childhood and into early adulthood, including during periods of stress and challenge.</p> <p>Where previous offending has occurred, the extent to which the prospective Kinship carers have understood what has happened and changed behaviour sufficiently enough to ensure it will not impact negatively on the child or their care of them.</p> <p>The health and wellbeing of the prospective Kinship carers, including any mental health issues, substance misuse, current or historic domestic abuse, which could impact on the ability to care for the child.</p>
<p>Housing</p>	<p>The quality of housing and daily living arrangements for the child.</p> <p>The level of environmental health and safety.</p>
<p>Employment/Income</p>	<p>The ability of prospective carers to meet the material needs of the child on a daily basis and in order to reasonably support their long-term interests.</p> <p>The approach and attitude towards money management and their own responsibilities for caring for the child as people who would have parental responsibility.</p>
<p>Family's social integration, access to community resources</p>	<p>The provision of personal and employment references.</p> <p>The extent to which prospective carers have currently, or have the ability to develop, ongoing community networks which support the child through childhood.</p>

	<p>The ability of prospective carers to build trusted relationships with others, respect people from different backgrounds, and work effectively and constructively with professionals in the interests of the child.</p>
<p>Parenting capacity, capacity to meet the child/children's physical needs now and into adulthood</p>	<p>The ability of the prospective carers to meet the physical care, health and safety needs of the child.</p> <p>The level of understanding of appropriate boundaries, responsibilities and expectations</p> <p>The prospective carers experiences of parenting and ability to reflect on those experiences to inform their parenting of the child.</p>
<p>Ensuring safety – capacity to protect</p>	<p>The extent to which existing safeguarding concerns are acknowledged, understood and acted on</p> <p>The level of understanding of what the child needs to be and keep safe</p> <p>The level of commitment and ability to proactively create safety in the child's life – inside and outside the home – including restricting contact with any person who may cause the child harm</p>
<p>Emotional Warmth</p>	<p>The capacity to support the child's emotional needs, including the ability to have empathy and respect for the child even where there are challenging behaviours and circumstances</p> <p>The ability to enjoy the child's company, promote their self-esteem and resilience and support the recovery from trauma and distress</p>
<p>Stimulation</p>	<p>Commitment and ability to create opportunities for the child to learn, play and take healthy risks, with clear, reasonable and appropriate expectations in place. This includes how the prospective Special Guardian works with the school and community groups and organisations to enable the child to take part in activities and build relationships with others</p>

Guidance and boundaries	The ability to set appropriate boundaries, manage children’s behaviours and find the right balance of support and challenge
Stability	The extent to which the child is / would be settled and stable in the home, and whether stability in the home is /could be built on a trusting relationship between the child and the prospective Special Guardians
Motivation	<p>Whether there is a long-term commitment to care for the child, which may be demonstrated by a long pre-existing relationship with the child.</p> <p>The extent to which prospective Special Guardians understand why they are committing to care for the child and what it entails</p>

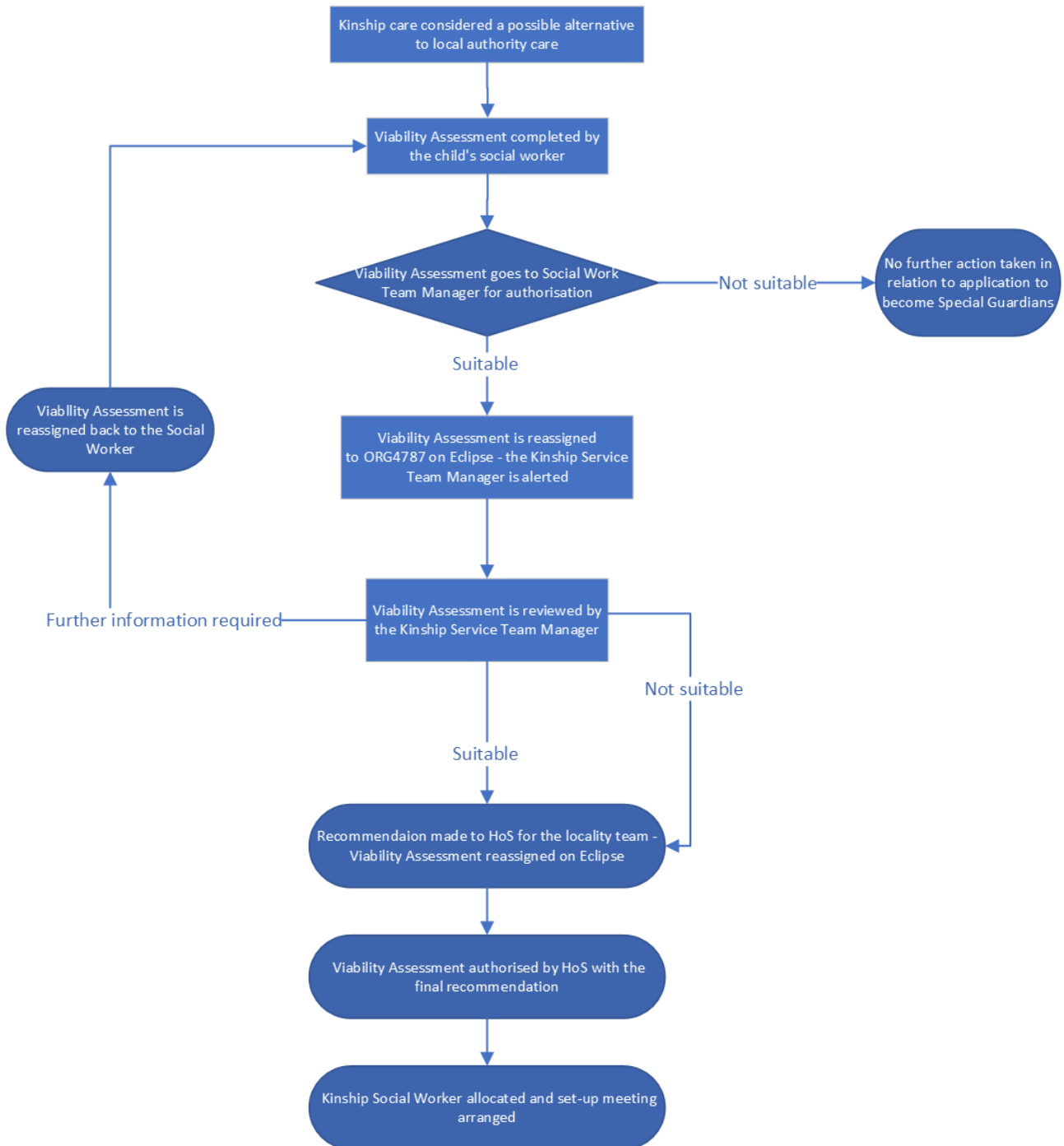
Template

Devon County Council uses this [template](#) for the completion of Viability Assessments.

Good practice guide

The Family Rights Group, alongside an expert working group, produced this [good practice guide for completing viability assessments](#).

Viability Assessment Process



7.3 SGO Assessments

The procedure for SGO Assessments

[Regulation 12](#) of the Special Guardianship Regulations 2005 states that SGO Assessments must have regard to the following considerations:

- (a) the developmental needs of the child;
- (b) the parenting capacity of the special guardian or prospective special guardian, as the case may be;
- (c) the family and environmental factors that have shaped the life of the child;
- (d) what the life of the child might be like with the person falling within sub-paragraph (b);
- (e) any previous assessments undertaken in relation to the child or a person falling within sub-paragraph (b);
- (f) the needs of a person falling within sub-paragraph (b) and of that person's family;
- (g) where it appears to the local authority that there is a pre-existing relationship between a person falling within sub-paragraph (b) and the parent of the child, the likely impact of the special guardianship order on the relationships between that person, that child and that parent.

Where it is appropriate to do so, the local authority must interview the child or young person who is subject to the special guardianship order, as well as the prospective special guardian(s) and any adult who the local authority deems it appropriate and relevant to interview.

Where the child or young person has a need requiring local health, education or care services, these agencies should be consulted as part of the assessment.

The local authority will provide a written report of the assessment.

Assessment Report

SGO assessments follow [Form C – Connected Person/Family and Friends Report](#), produced by CoramBAAF. Assessing social workers have access to [full guidance](#) on completing the assessment template.

Sections A and B of the assessment should be completed by the child's social worker, by the end of the 4th week following the SGO Assessment commencing. If this is not met, an escalation will be made to the child's social work team manager. They will then be responsible for ensuring it is completed. By the end of the 5th week, if both sections have not been completed, it is escalated to the Area Manager for the Kinship Service, who will liaise with the respective social work Area Manager to ensure it is completed within timescales.

Midpoint review

During the 6th week following commencement of the SGO Assessment, a midpoint review meeting will be held. This meeting must be attended by both the child's Social Worker and Kinship Service Social Worker and is chaired by the Kinship Team Manager. The child's Social Work Team Manager may also attend. This meeting has two main purposes. Firstly, to finalise the completion of the SGO Assessment and, secondly, to co-develop the SGO Support Plan and ensure the completion of the financial needs assessment alongside.

Quality Assurance

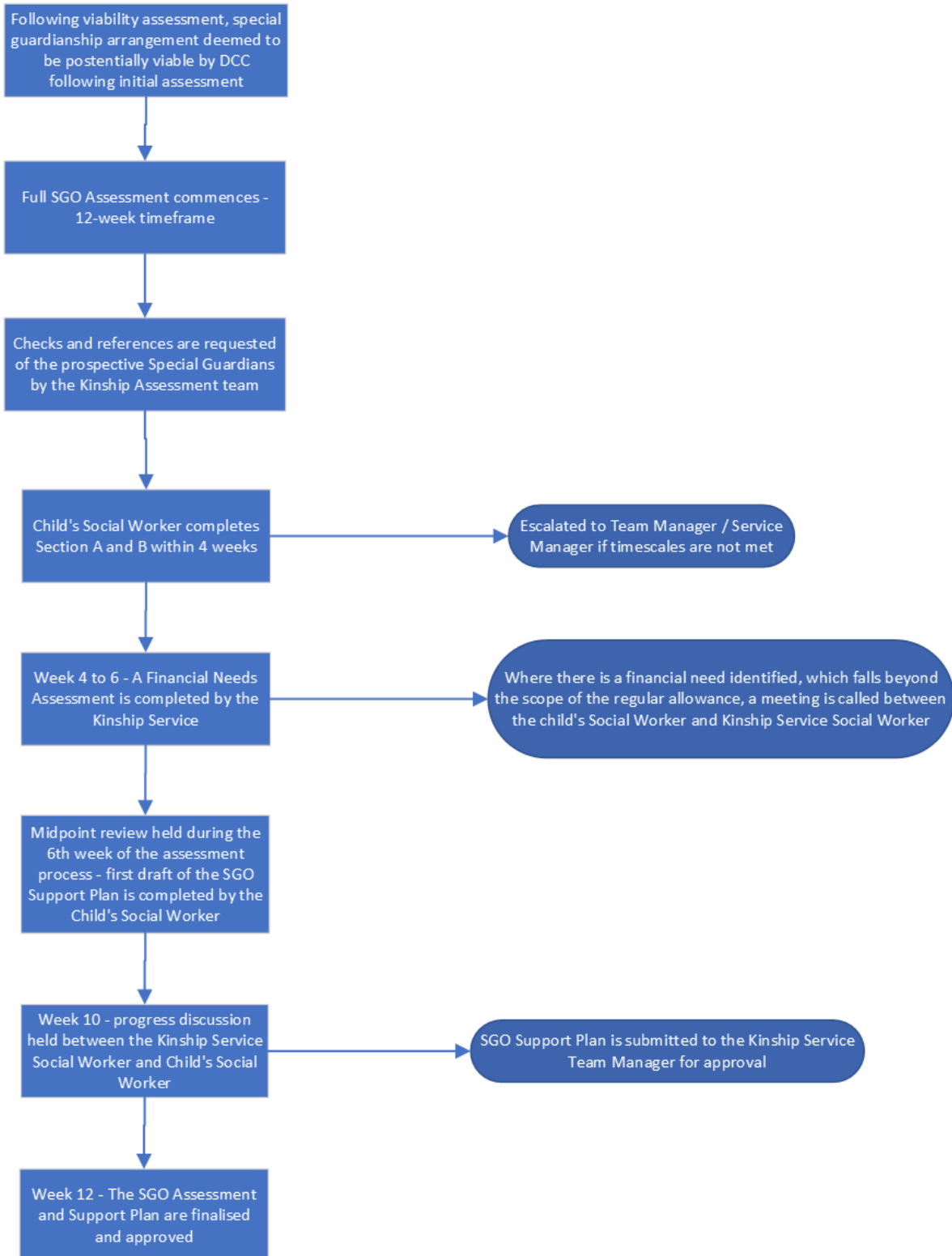
Once the assessment has been completed by the Kinship assessing social worker, this will be sent to the Kinship Team Manager for review and quality assurance. It is then filed by legal.

All quality assurance activity, undertaken by the Kinship Assessment Team Manager, will follow this guide: 'Undertaking A Connected Person/Family and Friends Assessment: A Guide To Collecting And Analysing Information For Form C (England)', 2019, CoramBAAF.

Appeals

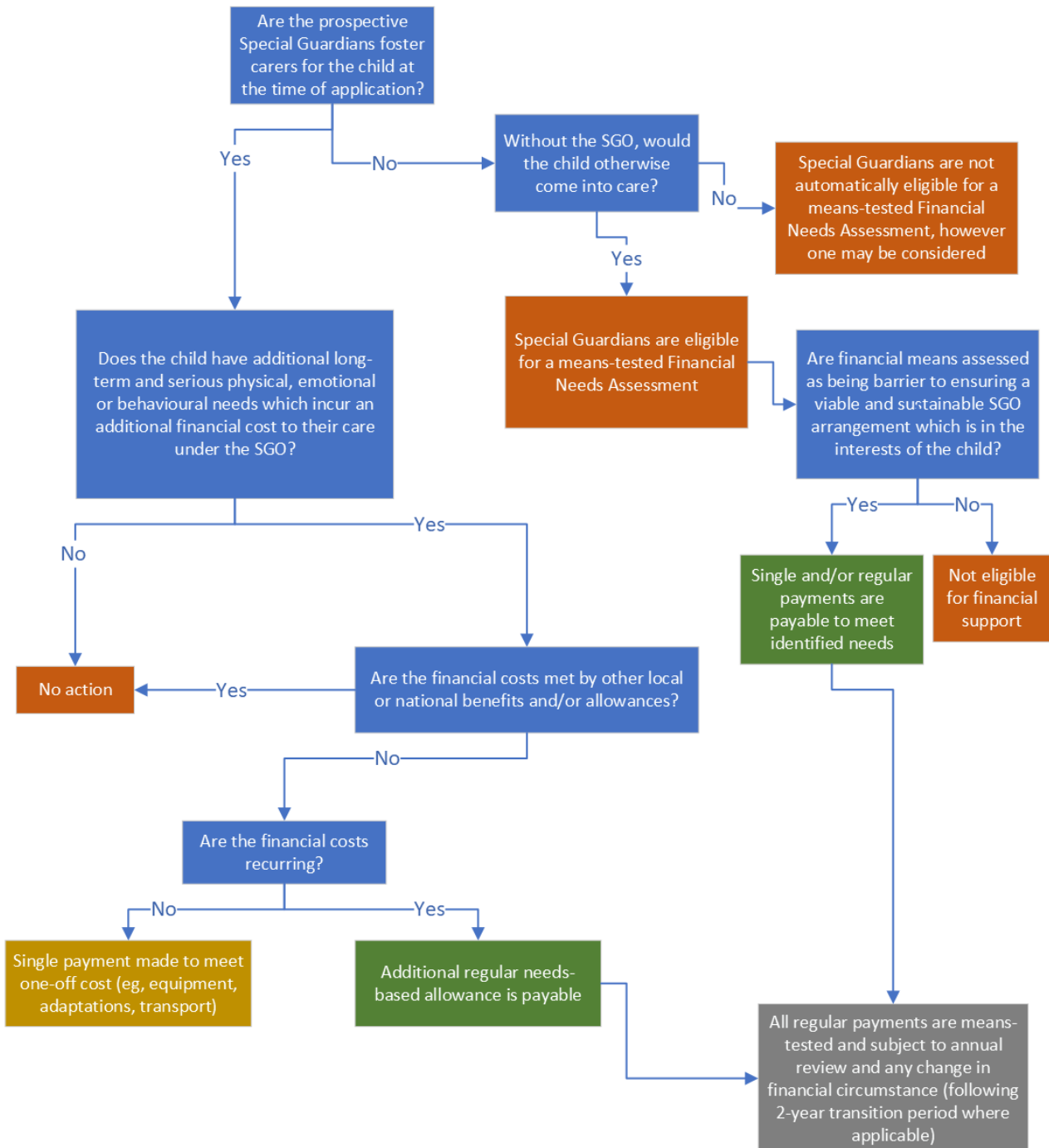
Special Guardians have a right to appeal the outcome of a Special Guardianship Assessment and must do so detailing the rationale for appeal, within 14 days of receipt of the assessment. The appeal will be investigated by the Area Manager within 28 days. Should the appellant remain dissatisfied with the response, they may make a complaint through [Devon County Council's Feedback and Complaints procedure](#).

SGO Assessment Process Map



7.4 Financial support

Financial support eligibility process map



Decision-making on the provision of financial support

	Budgetary Framework	Decision-maker pre-Order (Normally the responsibility of the Child's Social Work Team)	Decision-maker post-Order (normally the responsibility of the Kinship Service)
a) where financial support is necessary to ensure that the special guardian or prospective special guardian can look after the child			
<p>Regular financial allowance, minus any child benefit.</p> <p>Including any enhanced rates for former foster carers where applicable.</p> <p>Paid from the date of the order and in line with current mainstream fostering allowance rates.</p>	<p>SGO allowances budget, including enhanced rates</p>	Not applicable	Service manager – Kinship Care
b) where the child requires care and support which incurs a greater financial cost to the Special Guardians due to the child's physical, mental, emotional and/or behavioural needs			
<p>Regular individual supplementary allowance, minus any needs-related allowances available from other local or national sources.</p> <p>Paid from the date of the order and in line with current fostering rates.</p>	<p>SGO allowances budget, including enhanced rates</p> <p>Method of assessment:</p> <p>Individual needs assessment</p>	Not applicable	Head of Service – Fostering

	completed by the Supervising Social Worker, in collaboration with relevant with relevant health and care services		
c) where the local authority consider that it is appropriate to contribute to any legal costs incurred by the Special Guardians in relation to their application for an SGO.			
<ul style="list-style-type: none"> i. the making of a special guardianship order or any application to vary or discharge such an order ii. an application for an order under section 8 of the Act iii. an order for financial provision to be made to or for the benefit of the child 	Additional Costs for Looked After Children Budget	Any decision to fund the advice and the application prior to the making of an order should follow the scheme of delegation	Relevant Service Manager for the child

d) where the local authority considers it appropriate to make a financial contribution, on a single payment basis, to the expenditure necessary for the purpose of accommodating and meeting the needs and interests of the child			
Including the provision of..			
Furniture and domestic equipment,	Looked After Children budget	Agreed through the scheme of delegation	Agreed through the scheme of delegation
Alterations to and adaptations of the home	Capital Expenditure Budget	Head of Service Fostering – Capital Budget holder	Head of Service Fostering – Capital Budget holder
Provision of means of transport	Capital Expenditure Budget	Head of Service Fostering – Capital Budget holder	Head of Service Fostering – Capital Budget holder
Provision of clothing, toys and other items necessary for the purpose of looking after the child	Looked After Children budget	Agreed through the scheme of delegation	Agreed through the scheme of delegation

Assistance with legal costs

Devon County Council will cover the fee for the SGO application, and legal advice (at publicly funded rates), up to a combined total of £500 plus VAT, where the following criteria are met:

- The Council is in agreement with the application and support applicants in becoming Special Guardians
- The child would otherwise enter or remain in care
- Legal aid is either not available to the prospective Special Guardians or does not cover the full amount. Payments will only be made on submission of receipts.
- A position statement for court must be provided by the Solicitor where legal advice has been obtained

Devon County Council will not meet any legal costs where it does not support the application. Contributions towards legal costs will also not be made for applications relating to most children who are not in care, unless it can be reasonably be demonstrated that the child would come into care were it not for an SGO being granted. However, consideration will be given, on a case by case basis, especially where the child is a Child in Need or on a Child Protection Plan and where legal costs are a significant barrier to the prospective Special Guardians making an application.

It is the responsibility of the applicant to ensure that the cost of their legal advice is agreed in writing by the local authority. Any costs incurred above this amount must be met by the applicant/s. Advice may be offered to prospective Special Guardians in relation to obtaining financial assistance from the Legal Aid Agency. Eligibility for legal aid can be checked by using this [online form](#).

Appeals

Should the Special Guardian wish to appeal the outcome of the financial assessment, they have 2 months in order to do so with a further 1 month allowed for the investigation of the appeal and final decisions made.

7.5 Special Guardians living outside of the local authority area

Special Guardians live outside Devon County Council, and where the child was looked after by Devon County Council immediately before the SGO was made

Devon County Council is responsible for any support under the terms of this policy – financial and non-financial – for three years from when the SGO was first made. After this period, and where the Special Guardian(s) and child(ren) now live outside of the local authority's boundaries, the receiving local authority assumes responsibility for the provision of support services. The exception to this is where regular financial support was agreed prior to the SGO being made. Devon County Council retains responsibility for this indefinitely beyond the initial three-year period, but regular financial support continues to be subject to regular review and eligibility criteria, as outlined in this policy.

Special Guardians live outside the Devon County Council area, and where the child was not previously in the care of Devon County Council

In most circumstances, it is the responsibility of the local authority where the Special Guardian(s) live to provide assessment and support services. Devon County Council will co-operate with the receiving local authority to ensure, as far as is reasonably possible, the continuity of support and a positive transition for the child.

Any regular financial payments, which were agreed prior to the SGO being made, remain the responsibility of Devon County Council. This includes any further assessments and reviews in relation to the support. Where Special Guardians are no longer eligible for ongoing financial support, regardless of where they are living, regular payments will cease. It is generally not the responsibility of the originating local authority to make single payments to meet the specific needs of Special Guardians and/or children who are not living in their area. However, Devon County Council may consider providing one-off financial support in order to support a positive transition for the child to the new area, including where time is required for the new local authority to put in place their own support.

Devon County Council will meet its statutory duties to support children whose Special Guardians move to Devon from another local authority. Before a package of support is put in place by Devon County Council, details of the current support package will be shared by the originating local authority and future arrangements agreed. More information can be found on [pages 13-14 of the Special Guardianship statutory guidance](#).

7.6 Glossary of commonly-used terms in fostering and kinship services



Fostering and
Kinship glossary of t

7.7 Information pack for Special Guardians



SGO information
pack Feb 2020.pdf

7.8 Short guides

For children and young people



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For prospective Special Guardians



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