1. The Scheme for helping connected persons with their legal costs in applications for special guardianship orders (SGOs) and child arrangement orders (CAO) has been revised again in November 2023.
2. The Trust contributes to funds for some family members (connected persons) to apply for private law orders in respect of children either as an alternative to care proceedings during or after care proceedings or when children are subject to Care Orders.
3. The legal work involved cannot be done for them by the Trust Legal Team and so private firms of solicitors need to be instructed. Legal Aid may now be available in some cases. Funding applications can be a difficulty for connected persons who are willing to care for a child who would otherwise be accommodated or remain subject to a care order.
4. Because it is necessary to ensure public money is properly used, the following principles must apply to the Scheme:
5. The costs of the firms of solicitors must be paid directly by the Trust, from an identified budget.
6. There must be consistency across the city on payments of such fees.
7. Minimum standards of representation and value for money must be ensured.

**How does a connected person qualify for the Scheme?**

1. To qualify, a connected person will need:
2. A positive viability or full connected persons assessment or SGO or CAO assessment.
3. The decision of a Head of Service. The following criteria must be met:
   1. an opinion that the connected person could not reasonably be expected to pay the legal costs to secure a SGO or CAO; and
   2. it is in the child’s best interests that a SGO or CAO should be made; and
   3. the use of the Scheme is reasonable and represents the best value for the Trust.
4. Once a decision is made the connected carer will be provided with a standard template letter signed by Head of Service to provide to the firm of solicitors that the connected person has instructed from the list of those who meet the standards required.

**The Scheme**

1. Where connected persons come forward and offer a home for a child who would otherwise be made subject to care proceedings, or offer to care for a child during such proceedings, or following proceedings where a care order has been made followed by a decision in review to apply for SGO they can seek funding from the Trust for legal help to apply for SGOs or CAOs.
2. The Trust cannot fund every case, so criteria have been put in place to regulate this.
3. As legal costs frequently spiral upwards maximum limits on costs have been set which enable a balance to be struck between helping a connected person and supporting all the other children who must be helped from the Trust budget.
4. All costs are exclusive of VAT.
5. The list of firms of solicitors who should be approached are those that are local and have solicitors on the Children’s Panel. In approaching solicitors on the panel the terms of help are:
6. They will accept a Trust contribution of up to £500/£750/£1500 plus VAT banded in three bands for their legal costs depending on whether it is simple advice, advice and drafting or advice drafting and representation following issue of application.
7. This sum of up to £500, £750.00 or £1500.00 plus VAT is to enable work to be done at a rate per hour broadly equivalent to legal aid rates and will provide a reasonable number of hours of legal work.
8. When the solicitors firm considers that one of the higher rates is necessary due to a change in circumstances leading to a need for drafting or representation then the firm should write to the social worker in the first instance who will seek approval from the Head of Service.
9. If changes in circumstances lead to an increased need for legal advice and representation over and above the contribution rates the solicitor should contact the social worker who will seek approval from the head of service who may agree to an increase in exceptional circumstances.
10. A proper bill showing how the funds have been spent should be provided to the Trust by the solicitor before their bill is paid at the conclusion of the case.
11. The court application fee for a SGO or CAO will be paid by the Trust in cases where the Trust makes a lead application to discharge a care order.
12. The sum funds legal fees, and any other disbursements but not VAT which will be in addition to the sum agreed. Where Court fees are paid by the Solicitors firm these will be in addition to the contribution fee.
13. The solicitor will be expected to conduct the work rather than a barrister but if a barrister is used the fees are included in the £1,500 where representation has been agreed.
14. A solicitor who is not on the list CAN be used by the connected person but the scheme may not be used until the firm establishes that it meets the standards required namely that there are children’s panel solicitors at the firm and agrees to comply with the terms of the Scheme. This will allow carers from outside Birmingham to select a solicitor local to them.

**Commencement of the Revised Scheme**

1. This commenced on the 31st January 2024. No other procedure should be used.

**Summary**

1. Connected persons may instruct solicitors of their own choice not on the list or approved and will have to pay the whole of the legal costs themselves and the Scheme will not apply.
2. The connected person must qualify for the Scheme and HOS agrees.
3. The standard letter is sent to a solicitor on the list.
4. The maximum contribution is £500, £750.00 or £1,500 plus VAT. The higher contributions are payable where drafting of application or representation is required.