

# Enfield Special Guardianship Order Guidance

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# CONTENTS PAGE

	Page
Cover Sheet	1
Contents Page	2
Aims and Objectives – who can apply to become a Special Guardian?	3
Process for Assessments and Approvals	3, 4
Eligibility Criteria for Financial Support	4
Within care proceedings	4, 5
When a foster carer or relative of a looked after child (including UASC) wishes to become the child’s Special Guardian	5
Private family arrangements/Private foster carers	5
Financial Arrangements - General Principles	5, 6
Types of Financial Support - Legal costs	6
Support for former foster carers	6
Financial Assessment process	6, 7
Conditions for provision of financial support paid periodically	7, 8
Appendix 1	9
Appendix 2	10 - 17
Appendix 3	18, 19
Appendix 4	20

## 1. Aims and Objectives

If children cannot live with a parent, for whatever reason, the London Borough of Enfield aims to keep children within their extended family network whenever possible. This network may include family and friends. There may also be circumstances where a child has become looked after and a foster carer or former foster carer wishes to look after a child permanently.

This policy sets out the circumstances in which the London Borough of Enfield will assess and provide financial support for prospective carers seeking a Special Guardianship Order and provide financial and other support once an order is granted.

### Who can apply to become a Special Guardian?

- Applicants must be over 18 years of age and cannot be the parent of the child in question
- Any guardian of the child
- Anyone with a Child Arrangements Order (residence) or Residence Order for the child
- Anyone with whom the child has lived for at least 3 years out of last 5
- A local authority foster carer with whom the child has lived for at least one year preceding the application
- A relative of the child with whom the child has lived for one year preceding the application
- In addition, a court may make a Special Guardianship order in care proceedings as a permanent placement for the child instead of a care order

## 2. Process for Assessments and Approvals

- 2.1 In all cases where a Special Guardianship Order is sought, unless the child is actually living with the prospective Special Guardian, the prospective carer must have a viability assessment before any decision is made on whether or not to progress to a full assessment. The social worker for the child will normally undertake the viability assessment. The viability assessment will normally be completed within 2 weeks of the request being made. If the viability assessment is negative, the social worker and a manager will discuss the outcome with the prospective Special Guardian.
- 2.2 If the viability assessment is negative, the London Borough of Enfield will not normally proceed to a full assessment. Any decision to progress to a full assessment, despite a negative viability assessment, must be approved by Placement Panel or in an urgent case by the Director, Children and Family Service.
- 2.3 Once the decision has been made to progress to full assessment the manager of the social worker who undertook the assessment will make a referral to the Special Guardianship Team.
- 2.4 Where the viability assessment is positive or the prospective Special Guardian is a current local authority or agency foster carer for the child, and where the London Borough of Enfield supports the proposed carer as the preferred option to care for the child, the London Borough of Enfield will offer a prospective Special Guardian up to £300 or one hour's fees (whichever is the smaller amount) for legal advice on the effects of a Special Guardianship order. In these circumstances approval for one-off legal advice is given by a manager within the Special Guardianship Team. If the viability assessment is not positive or the proposed carer is not the London Borough of Enfield's preferred option for the child, any offer of financial support for advice about the effects of Special Guardianship requires the agreement of the Head of Service for Looked After Children.
- 2.5 Special Guardianship Assessments will usually be undertaken by in-house assessors. If there is insufficient capacity within the Special Guardianship team the case may be allocated to an independent

social worker chosen by the team manager. Assessments will be allocated within 5 working days of the manager of the Special Guardianship Team receiving the referral.

- 2.6 This policy recognises that on occasion a court-appointed independent social worker may undertake the assessment.
- 2.7 The London Borough of Enfield expects that the assessment will take up to 3 months from the time of the referral. If a court sets a shorter time, the London Borough of Enfield will do its best to meet the timescale.
- 2.8 In all cases, an information sharing meeting or telephone discussion between the assessor and the social work team(s) currently or previously involved with the family must take place before the assessment starts. It is expected that this meeting will take place within 1 week of the referral being received by the manager of the Special Guardianship Team.
- 2.9 In all cases, relevant information and documents will be shared with the assessor. This will include any court bundle. The assessor will not share a copy of or information from the court bundle with the prospective carer (s) without permission from the court.
- 2.10 In all cases, the Special Guardianship Team will arrange a date for a midway Special Guardianship planning meeting to review the progress of the assessment and to clarify any outstanding tasks. This meeting will be chaired by a manager in the Special Guardianship Team and attendees will include the child's social worker (and/or their line manager) and the social worker assessing the applicant(s).
- 2.11 If at any point during the process of the assessment any of the professionals involved believe that there are serious issues or concerns or where the case is deemed contentious, the Special Guardianship Team managers will call a Professionals' meeting.
- 2.12 Any financial assessment of the potential carer will be undertaken by the financial assessment team in accordance with policies.
- 2.13 All Special Guardianship reports must be approved before being given to the potential carers and the court. For in-house assessors within the Special Guardianship Team, the final Special Guardianship report must be approved by the manager of the assessor within the Special Guardianship Team. For independent social workers the report will follow the quality assurance system for that social worker or agency.
- 2.14 Any support plan, including financial support and support for legal fees, must be approved by the Head of Service for Looked After Children before being finalised. It is not expected that the London Borough of Enfield will contribute to legal costs for an application for a Special Guardianship order where the viability or full assessment is negative, where the London Borough of Enfield opposes the application or proposed application, or where the applicant or proposed applicant is not the option favoured by the London Borough of Enfield's care plan for the child. Any alterations to the financial support must be approved by the Head of Service for Looked After Children.

### **3. Eligibility Criteria for Financial Support**

Applicants wishing to be assessed for financial support under this policy must meet the following criteria:

- a. The child to whom the application relates must be a child currently looked after by the London Borough of Enfield (whether under section 20, section 31 or section 38 Children Act 1989) at the time of the application, OR
- b. Must have been looked after by the London Borough of Enfield immediately before the making of the Special Guardianship Order, OR

- c. In exceptional circumstances the Head of LAC or the Head of Service for LAC and Leaving Care may approve an applicant to be assessed for financial support.

A parent of a child will not be eligible for financial or other support under this policy under any circumstances.

Particular circumstances in which a Special Guardianship Order may be made:

#### **4. Within care proceedings**

- 4.1 The London Borough of Enfield will not normally provide legal fees for representation in care proceedings for potential Special Guardianship carers where the issue of Special Guardianship arises within the care proceedings.

#### **5. When a foster carer or relative of a looked after child (including UASC) wishes to become the child's Special Guardian**

When the Head of Service for Looked After Children approves the support plan, s/he must also consider whether or not to offer financial support for legal fees (see 8.1 below).

#### **6. Private family arrangements/Private foster carers**

- 6.1 If the prospective carers live outside the London Borough of Enfield, and the child is not looked after by the London Borough of Enfield, Enfield will have no responsibility for assessing or providing support unless exceptional circumstances apply. If a family with a child subject to a Special Guardianship Order moves into the area of the London Borough of Enfield, they may request an assessment for support services if the order was made more than three years before the date of the request.
- 6.2 Where a prospective carer or private foster carer wishes to become a Special Guardian as a result of a private family arrangement, the process to be followed will be as in paragraph 5 above but there will be no normal expectation that the family will be entitled to financial support, including legal costs and one-off legal advice.
- 6.3 If the assessor considers that there are exceptional circumstances which require the prospective carers to have financial support for one-off legal advice (see 2.4 above), even though they wish to become Special Guardians as the result of a private arrangement, this request must be considered and any approval given by the Head of Service for Children in Need.
- 6.4 If the assessor considers that there are exceptional circumstances which require the London Borough of Enfield to provide financial support for legal fees and / or ongoing financial support for the placement, even though the carers wish to become Special Guardians as the result of a private arrangement, this must be considered and any approval given by Placement Panel on a Children in Need week.

### **Financial Arrangements**

#### **7. General Principles**

- 7.1 Where the child is looked after by Enfield immediately before the Special Guardianship Order is made, regardless of the area where the child is actually living, the local authority responsible for initial assessment is Enfield.

- 7.2 Where the child is looked after by Enfield immediately before the Special Guardianship Order is made and ongoing financial support is agreed before the order is made, responsibility for ongoing financial support (subject to annual review) remains with Enfield, for the whole period of the Special Guardianship Order, whether the child is living in Enfield's area or not.
- 7.3 Once three years from the date the Special Guardianship Order was made have expired, the local authority where the special guardian lives is responsible for assessing and providing support services.
- 7.4 Where the child was not looked after by Enfield, the local authority responsible for assessment and for provision of any support is the local authority where the carers or prospective carers live.
- 7.5 Special Guardians are expected to ensure that they apply for all welfare benefits to which they and the child are entitled and any benefits to which the Special Guardian or the child is entitled will be taken into account in the means test.
- 7.6 Financial support for Special Guardians (which includes the Special Guardianship Allowance and financial support for legal fees) will only be paid in the following circumstances:
- (a) where it is necessary to ensure that the special guardian or prospective special guardian can look after the child
  - (b) where the child needs special care, which requires a greater expenditure of resources than would otherwise be the case because of illness, disability, emotional or behavioural difficulties or the consequences of past abuse or neglect
  - (c) where the local authority consider that it is appropriate to contribute to any legal costs, including court fees, of a special guardian or prospective special guardian associated with the making of a special guardianship order or any application to vary or discharge such an order (any other matters to be considered on a case by case basis).
  - (d) where the local authority considers it appropriate to make a contribution to the expenditure necessary for the purpose of accommodating and maintaining the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home, provision of means of transport, and provision of clothing, toys and other items necessary for the purpose of looking after the child.
- 7.7 Carers are expected to make payments relating to contact out of any financial support they receive. Any payments for exceptional expenses relating to contact, such as overseas travel, should be agreed by the Head of Service for Looked After Children.

## **Types of Financial Support**

### **8. Legal costs**

- 8.1 Legal costs of a prospective carer's application for a Special Guardianship order may be paid by the London Borough of Enfield if the child who is proposed to be the subject of the application is looked after by the London Borough of Enfield at the time the application is made, and the London Borough of Enfield supports the application. The payment is not normally expected to be more than £1500 (net).
- 8.2 Financial support for legal costs (including court fees) is not means tested.

### **9. Support for former foster carers**

- 9.1 Where the prospective Special Guardian is a current or former local authority foster carer for the child (whether in-house or agency), and the payment the prospective Special Guardian received as foster carer for the child included a payment for training or an element of remuneration, the financial support paid by

the London Borough of Enfield may include an element of remuneration for a maximum period of two years after the making of the Special Guardianship Order. The element of remuneration must be approved by the Head of Service for Looked After Children before the making of the Special Guardianship Order.

- 9.2 Any request for extension of the element of remuneration must be approved by the Head of Service for Looked After Children at the second annual means test review after the making of the Special Guardianship Order. The element of remuneration will be continued where the local authority considers its continuation to be necessary having regard to the exceptional needs of the child or any other exceptional circumstances. Once the extension of the element of remuneration has been approved, payment will continue until the payments of periodic support cease unless the Head of Service for Looked After Children approves the cessation of the payment.

## **10. Financial Assessment process**

- 10.1 Upon receipt of the viability assessment and completed application form, the Special Guardianship Business Support Team will send the applicant a Means Testing Financial Assessment Form to complete. The prospective Special Guardian completes the Financial Assessment form. The assessor is responsible for assisting the potential carers in returning this form in a timely manner and in helping them to understand any issues in relation to this process.
- 10.2 The CF Financial team will undertake the assessment process and determine the amount of money that the family will receive and will inform the assessor and the potential Special Guardian.

## **11. Conditions for provision of financial support paid periodically**

- 11.1 Financial support ceases to be payable to a special guardian if any of the following events take place: –
- 11.1.1 the child ceases to have a home with the special guardian;
  - 11.1.2 the child ceases full-time education or training and commences employment;
  - 11.1.3 the child qualifies for universal credit, income support, jobseeker's allowance or employment and support allowance in his/her own right; or
  - 11.1.4 the child attains the age of 18 unless he/she continues in full-time education or training, when it may continue until the end of the course or training which the child was undertaking at the time the child attained the age of 18.
- 11.2 The London Borough of Enfield will not pay financial support to a Special Guardian until the Special Guardian has signed and agreed to the following conditions using the form attached as Appendix 1:
- 11.2.1 that s/he will inform the local authority immediately if –
    - (i) s/he changes his address;
    - (ii) the child dies;
    - (iii) any of the changes mentioned in 11.1 above occurs; or
    - (iv) there is a change in his/her financial circumstances or the financial needs or resources of the child which may affect the amount of financial support payable to him/her, and, where the information is given orally, to confirm it in writing within seven days;
  - 11.2.2 that s/he will complete and supply the local authority with an annual statement as to the following matters –
    - (i) his / her financial circumstances (using the form attached as Appendix 2);

- (ii) the financial needs and resources of the child (using the form attached as Appendix 3);
  - (iii) his/her address and whether the child still has a home with him / her (using the form attached as Appendix 4).
- 11.3 The document to be signed will include a statement that if the Special Guardian does not inform finance and continues to receive financial support when the child is not living with them, they may be reported to the fraud team and may be prosecuted.
- 11.4 The Special Guardian agrees to unannounced spot checks being undertaken to ascertain whether the child still has his or her home with the Special Guardian.
- 11.5 Subject to paragraph 11.6, where any condition imposed in accordance with this regulation is not complied with, the local authority may –
  - (a) suspend or terminate payment of financial support; and
  - (b) seek to recover all or part of the financial support they have paid.
- 11.6 Where the condition not complied with is a failure to provide an annual statement in accordance with an agreement referred to in paragraph 11.2, the local authority shall not take any steps under paragraph 11.5 until –
  - (a) they have sent to the person who entered into the agreement a written reminder of the need to provide an annual statement; and
  - (b) 28 days have expired since the date on which that reminder was sent.
- 11.7 The review date for all financial support paid to a Special Guardian will be 1 April in any year. However, the financial support may be reviewed at any point in the year if there is a change of circumstances or it appears necessary to the London Borough of Enfield that a review should be undertaken.
- 11.8 No financial support under the Special Guardianship support plan is payable until a Special Guardianship Order is made. The allocated social worker will inform the Financial team when a Special Guardianship Order is made.
- 11.9 Financial support pending the making of an order may be made under Section 17 of the Children Act 1989.



## Appendix 1

### Declaration by Special Guardian

This form must be signed and returned to the Special Guardianship Business Support Team before any periodic financial support will be provided.

Where a child has more than one Special Guardian **each** Special Guardian must sign and return this form before any periodic financial support will be provided.

I, .....(insert name)

Address:.....(insert address)

Special Guardian for the following child(ren):

(child's name) .....DoB .....

confirm that I am willing to receive periodic financial support for the children named above from the London Borough of Enfield on the following conditions:

1. I will inform the Special Guardianship Business Support Team of the London Borough of Enfield immediately if –
  - (i) I change my address;
  - (ii) the child dies;
  - (iii) the child stops living with me;
  - (iv) the child ends full-time education or training and starts employment;
  - (v) the child qualifies for universal credit, income support, jobseeker's allowance or employment and support allowance in his/her own right;
  - (vi) the child attains the age of 18;
  - (vii) there is a change in my financial circumstances or the financial needs or resources of the child which may affect the amount of financial support payable to me, and, where the information is given orally, to confirm it in writing within seven days;
2. I will complete and supply the local authority with an annual statement as to the following matters –
  - (i) my financial circumstances;
  - (ii) the financial needs and resources of the child;
  - (iii) my address and whether the child still has a home with me.

**I understand that if I do not inform the Special Guardianship Support Team of the London Borough of Enfield of any change in my circumstances or the circumstances of the child as set out above, I may be reported to the London Borough of Enfield's Fraud Team and may be prosecuted.**

**I agree to spot checks being undertaken to establish whether the child still has his/her home with me.**

**Signed:**.....

**Dated:**.....

# FINANCIAL ASSESSMENT FORM

## *Adoption & Special Guardianship*

*Private and Confidential*

Only authorised people will be allowed to read this form

**IMPORTANT - Always inform us if you change your address or bank account. Failing to notify changes may result in your confidential information going to a wrong address/bank account.**

**Name and Address of Carer:**

**Name:** \_\_\_\_\_

**Address:**

\_\_\_\_\_

**Postcode:** \_\_\_\_\_

### *Section 1*

### *FOR ALL TO READ*

**Please read the notes below before you fill in the financial assessment form.**

The result of your financial assessment will show whether you are eligible for the full allowance paid by the Council. The amount you have in savings and capital will be reflected in this assessment so must be fully declared on this form

How much you pay towards this placement depends on the level of your income and the amount you have in savings. Please fill in this form so that we can assess you. If you cannot complete this form yourself, someone else can help you to fill it in or complete it for you.

We also need to see proof of the following:

- 2 months' payslips if employed
- Latest set of accounts if self employed
- Pension statement if applicable
- Pension award letter if applicable
- Current rent or Mortgage statement
- Current Council Tax Statement
- Current Water rates Bill
- Any benefit award statements
- Bank/Building Society Savings statements

Original documents are required, but these will be returned to you. Or you can send these electronically in TIFF or PDF Format to: [Lac.service@enfield.gov.uk](mailto:Lac.service@enfield.gov.uk)

If after this form has been completed, your financial circumstances change, you need to tell us so we can reassess you again.

## Section 2 Your Details

**Title:** Mr  Mrs  Miss  Ms  Other

**First name**

**Surname**

**Address**

Email address \_\_\_\_\_ Post Code: \_\_\_\_\_

**Home Phone Number**

**Mobile Number**

**Date of Birth**

**Marital Status:** Single  With Partner  Married  Separated  Divorced  Widowed

### Details of Child/Children Subject of Order

First name	Surname	Social Worker	Date of Birth	Full time Education

## Section 3 Other people including children in household

**Do you have any dependants or other adults living with you ?** Yes  No  If yes, please give details below.

Relationship to you	Surname	Date of birth	In full time education Y/N	
First Name		Date of birth		
		/ /		

## Section 4 *Your Weekly Income*

### Income:

	Weekly Income £		Evidence Seen?		Notes
	Your own	Your Partners	Your own	Your Partners	
Income from Employment					
Pension Guarantee Credit					
Pension Savings Credit (over 65)*					
Occupational Pension					
Private Pension					
Any Other Pension					
War Widows/War Disablement Pension**					
Attendance Allowance					
Income Support/ Jobseeker's Allowance					
Incapacity Benefit					
Employment Support					
Severe Disability Allowance					
Disability Living Allowance – Care Component					
Carer's Allowance					
Statutory / Maternity Allowance					
Child Benefit					

**Income: Weekly Income £ Evidence Seen?**

	<b>Weekly Income £</b>		<b>Evidence Seen?</b>		
	<b>Your own</b>	<b>Your Partners</b>	<b>Your own</b>	<b>Your Partners</b>	<b>Notes</b>
<b>Child Tax Credit</b>					
<b>Working Tax Credit</b>					
<b>Working Tax Credit</b>					
<b>Maintenance you Receive</b>					
<b>Any Other Income 1</b>					
<b>Any Other Income 2</b>					
<b>Any Other Benefit 1</b>					
<b>Any Other Benefit 2</b>					
<b>Total Income</b>	<b>£</b>	<b>£</b>	<b>Single</b>	<b>Joint</b>	
			<b>£</b>	<b>£</b>	

**2<sup>nd</sup> and Subsequent properties owned or partly owned either in the UK or Abroad:**

<b>Address 1:</b>	<b>Rental Income</b>	<b>Expenses</b>
<b>Address 2:</b>	<b>Rental Income</b>	<b>Expenses</b>

## Section 5 Savings and Investments

Please enter in this section detail of all savings and investments that you have. If they are held jointly with your partner or any other person or persons, you must show the full amount. We will assume that jointly held savings and investments will be shared equally unless you can give us documentary proof to show that they are held in different proportions. You must send us proof of all savings and investments, for example, photocopies of a recent full bank statement or a savings account book, will give us the evidence we need.

**Do you, your partner or any other persons(s) have any of the following?**

	Joint Account Y/N	Total Capital £	Evidence Seen Y/N
Bank/Building Society Account			
Bank/Building Society Account			
Bank/Building Society Account			
Bank/Building Society Account			
Post Office Card Account			
Post Office Savings Accounts			
ISA Account			
ISA Account			
ISA Account			
ISA Account			
Premium Bonds			
Income Bonds/Capital Bonds (Capital Holdings)			
Court of Protection Funds			

	Joint Account Y/N	Total Capital £	Evidence Seen Y/N
<b>Funds Held in Trust</b>			
<b>Any other savings (please supply details)</b>			
<b><i>National Savings Certificates</i></b> State issue number & Date of issue  I. N _____  Date _____			
<b>Stocks &amp; Shares</b> (Company Name, Number of shares and Current Value per Unit)			
Capital from Property, Land, Investments in the UK or Abroad – exclude your normal residence. (Please supply current market Value)			

**Are you holding any of these savings and investments for a specific purpose?**

Yes  No

**If you have answered 'yes' please give details and amounts below:**

## Section 6

## Your Property Detail

1. Are you an owner-occupier? Yes  No
2. Are you a Council tenant? Yes  No
3. Are you a housing association tenant? Yes  No
4. Are a tenant of a private landlord? Yes  No
5. Are you in receipt of Housing Benefit Yes  No
6. Do you own or are you a part owner of Another property, in this country or Abroad? Yes  No
7. Are you another category of tenant? Yes  No

If answered 'Yes' to 2, 3 or 4 who is your landlord. If 'Yes' to 5 who is providing this? If 'Yes' to question 6, please provide the details in the box below:

	Amount	£ Annual	Weekly/Monthly	Evidence seen Y/N
<b>Council Tax</b>				
<b>Rent</b>				
<b>Mortgage repayment On property owned and occupied by you</b>				
<b>Water rates</b>				



## Section 7 Declaration

I understand that if I do not wish to provide details of my finances, I will not be eligible to receive any allowance that may be payable by the London Borough of Enfield.

Please tick this box if the above statement applies and sign the declaration

- I declare that to the best of my knowledge, the information given which will be used to assess my financial circumstances is accurate and represents a full and true statement of my income and savings.
- I will immediately inform the Children's finance Team about any changes in my financial circumstances.
- I will immediately inform the Adoption Service should there be any changes in my personal circumstances or that of my child.
- I understand the information I have provided will be held on computer and may be disclosed to other agencies, such as Service Providers or the Department of Works and Pensions.
- I understand that should I be overpaid, I must repay the amount in full and the Council will take action against me for recovery of the outstanding balance.
- Is the child/young person over 16 and still at school. **Yes**  **No**
- If not, when will s/he finish school \_\_\_\_/\_\_\_\_/\_\_\_\_

Name of School \_\_\_\_\_

Address of School \_\_\_\_\_

\_\_\_\_\_ Telephone Number of School: \_\_\_\_\_

**Your Signature**

**Date**

**Your Partners signature**

**Date**

**Any other relevant information:**

### Appendix 3

## Annual Declaration of the Financial Needs and Resources of a child subject to a Special Guardianship Order

Complete one form per child

Name of child:.....

Name(s) of Special Guardian(s):.....  
 .....

Financial year to which this Declaration relates:

Monthly Income of the **child**:

	Amount £
Benefits (give details)	
Maintenance (give details)	
Income from savings / investments	
Any other income (give details)	

Total £.....

Give details of any changes over the year

Savings/investments

	Amount £

Annual income £.....

Monthly extra outgoings on the **child**

NB an automatic allowance is made for normal expenses of looking after a child

	Amount £
Special expenses (give details – include any expenditure for special needs of the child subject to Special Guardianship, e.g. therapy, extra laundry)	

Total £.....

Give details of any changes over the year

Annual outgoings: £.....

Monthly disposable income: £.....

Annual disposable income: £.....

Signed:.....

Special Guardian(s)

Date:.....

## Appendix 4

### Declaration by Special Guardian as to their address and the child's residence

This form is to be completed by each Special Guardian

.....(insert name of Special Guardian)

Special Guardian for

Child's name .....DoB .....

Child's name .....DoB .....

My current address is

.....

Date moved in:...../...../.....

Current address for each child:

Child's name.....

Current address.....

Date moved in:...../...../.....

Child's name.....

Current address.....

Date moved in:...../...../.....

Signed:.....

Special Guardian

Dated:.....