

Support for Children and Young People subject to Special Guardianship Orders

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1. Introduction and Purpose

The granting of a Special Guardianship Order (SGO) transfers provides overarching parental responsibility to the Special Guardian/s, who will become the child's 'primary' care giver(/s) and legal guardian(/s). In The making the of the order, the Court discharges any previous Care Order for the child and confers the responsibility of the child's upbringing onto the Special Guardian(/s). As such, the Special Guardian(/s) commit to providing care and support for that child until adulthood.

When planning to achieve permanence for Looked After children or young people, there will always be the intention that this can eventually be achieved independently by the child's Special Guardian(/s), with no or limited ongoing involvement from the Local Authority.

However, Somerset County Council commit to ensuring a child's need for a permanent home is supported and recognise that in some cases an overall plan of support, which may or may not include financial support, is required to achieve this.

Prior to any consideration for financial support carers will be expected to and supported to explore their eligibility for benefits, for example child benefit, disability living allowances in the case of children with complex needs, or carers' allowance. In addition, any support available via the Adoption (and SGO) Support Fund can be explored.

The purpose of this policy is to provide information to practitioners, Special Guardians, and prospective Special Guardians about the support available to families and individuals offering a permanent home to a child through Special Guardianship.

2. Scope of Policy

Somerset County Council recognises that the Special Guardianship Regulations 2005 place a duty on every local authority to establish and maintain a range of support services in their area. These services can comprise financial, emotional, practical and/or therapeutic support depending on the needs of the child and their circumstances, as set out in the Special Guardianship Support plan.

Somerset County Council have a dedicated Kinship Team who will offer support and assistance to Special Guardians, their families, parents and children affected by Special Guardianship. During the initial assessment, consideration of necessary support services and potential financial support will be considered. Once the assessment is complete an initial plan of support will be recommended. If this includes financial support, then this will be means tested and a full financial assessment required.

Somerset County Council Special Guardian Support Services:

- Advice and support on special guardianship issues
- Access to the Emotional Health and Wellbeing Team, which is a specialist team who can provide consultation with families regarding therapeutic parenting, support includes regular support groups and reflection, support guidance and training.
- Special Guardianship support groups (face to face and online)
- There is a Special Guardian Focus Group, which consists of a panel of Special Guardians and who meet regularly to discuss Special Guardian related topics and suggest and necessary improvement and development work for the service.
- Workshops and training on Special Guardianship related issues
- Therapeutic parenting workshops exclusively for Special Guardians
- Access to Adoption Support Fund for therapy
- Newsletters three times a year
- Social events and activities
- Facilitating and supporting family time arrangements for children, including letterbox contact
- 'Signposting' to suitable services, if we feel that your support needs can be better met by agencies outside of the Local Authority, we can suggest links to community and specialist resources

- Financial support (depending on assessment)
- Special Guardians who live in Somerset and care for a Somerset child who are eligible for a means tested Financial Support Allowance, will also be eligible for 50% reduction in Council Tax

If the need for support changes, and the support plan needs to be updated, or for further information and advice, the Kinship Team can be contacted directly by email on Kinship@somerset.gov.uk, or by calling the duty line on 01823 358222 for an initial discussion. The line is open from 9am to 5pm Monday to Thursday and 9am to 4.30pm on Friday.

3. Legal Context

The legal framework for Special Guardianship can be found in sections 14A to 14F of the Children Act 1989 and the Special Guardianship Regulations 2005, and can be viewed here:

[The Special Guardianship Regulations 2005 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[The Special Guardianship \(Amendment\) Regulations 2016 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[Special guardianship guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk) (Department for Education Special Guardianship Guidance: Statutory guidance for local authorities on the Special Guardianship Regulations 2005

[Children Act 1989](https://www.legislation.gov.uk)

[Adoption and Children Act 2002](https://www.legislation.gov.uk)

[Children and Young Persons Act 2008 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[Children and Families Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

4. Who is eligible for support?

Somerset has a responsibility to offer a range of support services to those involved in Special Guardianship.

We can provide support to:

- Residents of Somerset who are Special Guardians to Somerset children who were previously looked after (previously looked after means that the child/ren were 'in care' to the Local Authority and living with approved Foster Carers who have been through the fostering assessment process. The Foster Carer may have been yourself or another approved Foster Carer).
- Special Guardians living outside Somerset, if your child was previously looked after and placed by Somerset County Council and it has been no more than three years since the Special Guardianship Order was granted.
- Special Guardians within Somerset, if your child was looked after and placed by another local authority and it has been more than three years since the Special Guardianship Order was granted.
- Special Guardians to a child who was not previously looked after.

- Birth families - providing support with contact family time arrangements with children placed by us.
- Children who were looked after by a local authority immediately before the making of a special guardianship order may qualify for advice and assistance under the Children 10 Act 1989, as amended by the Children (Leaving Care) Act 2000 and the Adoption and Children Act 2002. In the context of special guardianship, to qualify for advice and assistance, section 24(1A) of the Children Act 1989 provides that the child must:
 - have reached the age of 16, but not the age of 21
 - if less than eighteen years old, have a special guardianship order in force
 - if eighteen years old or above, have had a special guardianship order in force when they reached that age, and
 - have been looked after by a local authority immediately before the making of the special guardianship order

5. Special Guardianship Assessments

Prior to Special Guardianship Order being made

The allocated Kinship social worker will undertake the Special Guardianship Assessment and create a support plan, detailing all support (financial and otherwise) required to facilitate the making of a Special Guardianship Order, and or maintain the permanent placement of a child or young person subject to a Special Guardianship Order.

If the assessment identifies the need for **financial** support, the worker will include a financial statement of the carers' income and expenditure. This constitutes the standard* financial assessment information required for all cases.

**Please note the full financial assessment is only completed where cases meet the criteria and where agreement is obtained through the Director/Deputy Director.*

Regulation 6 sets out circumstances in which financial support may be paid to a Special Guardian or prospective Special Guardian. These are:

- 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:
 - i. The making of the special guardianship order or any application to vary or discharge such an order

- ii. An application of an under section 8 of the Act (a contact order, a prohibited steps order, a residence order of a specific issue order)
 - iii. An order for financial provision to be made to or for the benefit of the child
- 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 and transport, and provision of clothing, toys and other items necessary for the purpose of looking after the child.
- E. Where assistance with travel costs is required in order to maintain contact between the child and their relatives and/or significant others.
- F. NB, if assistance could be provided by another agency, such as adaptations to the home for a disabled child, the Local Authority will advise you to apply directly to that agency.

Disregard of Financial calculator – There may be some circumstances where we will agree non-means tested allowance for a specific period

Regulation 13 of the 2005 Regulations, states that the Council *may* disregard financial means when considering the level of financial support provided in the following circumstances:

- Payments in respect of a ‘settling-in grant’ (not inclusive of adaptations)
- Recurring costs in respect of travel within the UK for the purpose of visits between the child and a related person with whom they have family time where the local authority would want to promote this family time.
- Any discount to Council Tax that the Special Guardian is in receipt of or will become eligible for post financial assessment.
- Special care which requires a greater expenditure of resources than would otherwise be the case because of the child’s illness, disability, emotional or behavioural difficulties, or the consequences of their past abuse or neglect, where the child has been previously looked after by the Council or has been subject to a child protection plan.
- where there is an element of remuneration in financial support payments to ex-foster carers for the ‘transitional period’ (see section 7 below).

The Council will **always** disregard means when considering providing an agreed level of financial support in respect of legal costs (NOT legal representation), including fee payable to a court, where;

- a Special Guardianship Order is applied for in respect of a child who is ‘Looked After’ by the Council, and;
- the Council supports the making of that order, or;
- an application is made to vary or discharge a Special Guardianship Order in respect of that child, by the child’s parents and this is opposed by the Council.

Regulation 14 requires that a plan **must** be prepared if the local authority proposes to provide special guardianship support services to a person on more than one occasion, and the services are not limited to the provision of advice or information.

- The plan should set out:
- The services to be provided
- The objectives and criteria for evaluating success
- Time-scales for provision
- Procedures for review
- The name of the person nominated to monitor the provision of services in accordance with the plan.

Where a child is currently known to Somerset Children's Social Care, is/has been in the care of Somerset Council or subject to a child protection plan in Somerset within the last 2 years **and** the Special Guardianship application **is** supported by the authority, the authority will devise a support plan which includes consideration of financial support as a one off payment or for an agreed period.

In other cases, where an applicant requests assessment for a support plan, an assessment will be carried out, including consideration for financial support. Every support plan is developed in consultation with the applicant and will be shared with them prior to the Special Guardianship Order being granted. If the applicant is not in agreement with the offer of support proposed by Somerset Council, they should make representations in writing or via their legal representative (if they have one). These will then be considered by the appropriate manager within Children's Social Care, and any decision will be provided within 28 days or as directed by the Court.

Private Law – Where Prospective Special Guardians make Applications Directly to the Court

Financial support for private applications is not required of Local Authorities. However, Somerset Council may consider financial support where there is evidence of significant trauma for the child; and where financial support may support the child and Special Guardians to live with the trauma. Any financial support will only be awarded following an Assessment of the Child(ren)'s needs, will be means tested and subject to annual review. Upon review the allowance may remain unchanged, increase, reduce or cease.

If requesting financial support from the local authority, those intending to make applications to be Special Guardians should make contact **at the same time as making the court application** to:

- A. The local authority where the prospective Special Guardian is resident if the child is not looked after.
- B. The local authority who is responsible for the child if they are looked after.

- C. The local authority may also receive notice of an individual's intention to make an application for a Special Guardianship Order from solicitors acting for the applicant.

A Child & Family Assessment must be undertaken to assess needs and eligibility except where it is agreed immediately by the Deputy Director/Assistant Director that the criteria is clearly met.

Financial support will not be agreed by Somerset Council where the authority does not agree that the placement is suitable or where the authority deems that the circumstances do not meet the criteria for financial support.

Requests for Financial Support after the Special Guardianship Order was made

In order to provide accurate information about special guardianship support services a family might access in Somerset, a worker from the Kinship Team must first establish which local authority is responsible for supporting the family. Please also refer to: [Applications for Special Guardianship Orders](#).

They should:

- A. Confirm when the Special Guardianship Order was granted;
- B. Confirm whether the child was looked after immediately prior to the Special Guardianship Order being granted and if so which local authority was the corporate parent;
- C. Confirm whether the child is in receipt of a Special Guardianship Allowance or other financial support from any other local authority.

Regulation 5 of the Special Guardianship Regulations 2005 transfers responsibility from the local authority involved at the time of placement to the resident local authority 3 years post the order “*except in a case where the local authority are providing financial support under Chapter 2 and the decision to provide that support was made before the making of the order.*”

Ongoing Financial Support

*A distinction is made between ongoing financial support (financial support that is paid on a regular basis) **which was agreed before the special guardianship order was made** and other support services. The assessment and provision of such financial support will remain the responsibility of the local authority who originally agreed it for as long as the family in question qualify for payments. This distinction has been made because financial support can be paid without direct contact.*

If deemed that **no** other authority is responsible:

- Provision of information and advice can be provided without undertaking an assessment.
- A Special Guardianship Support Assessment must be undertaken to assess needs and eligibility except where it is agreed immediately by the Director/Assistant Director – Children's services that the criteria is clearly met.
- If eligibility for on-going financial is agreed, this will be means tested and the Business Support Manager– Central Management Team will then undertake a full financial assessment

- Where eligibility is not agreed, and the Special Guardian has made representations in writing to Children's Services and a decision has been made to uphold the decision of ineligibility. The Special Guardian may make a complaint via Somerset Council's complaints process [Complaints, comments, compliments \(somerset.gov.uk\)](https://www.somerset.gov.uk/complaints-comments-compliments).
- Where the Council decides that special guardianship 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.
 - 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.

Any financial or practical support that is agreed will only be payable / provided from the date that the request for support is made, not backdated to the date of the order.

6. Principles of support provided by Somerset Council

Regulation 6 of the Special Guardian Regulations 2005 and amended regulations of 2016 state that:

'The central principle of providing financial support is to:

- A. help secure a suitable special guardianship arrangement where such an arrangement cannot be readily made because of a financial obstacle.
- B. facilitate arrangements for a person to become the Special Guardian of a child where the local authority consider such arrangements to be beneficial to the child's welfare;
- or
- C. support the continuation of such arrangements after a Special Guardianship Order (SGO) is made.

The Council uses the DfE Standardised Means Tested Calculator as the basis for calculating the means of a Special Guardian/s household and the level of financial support provided. This is subject to annual increases at the same percentage as increases to Somerset County Council's Fostering Allowance and any benefit entitlement must be explored and claimed.

The Council will consider the following in respect to decisions about the provision of financial support:

- The Special Guardian's income and means, including significant income from any investments, but not their main home. This includes income in respect of

benefits and tax credits awarded to the special guardian for themselves, the subject child and any other children within the household.

- The amount required in respect of reasonable outgoings and commitments, e.g. housing and transport costs, and daily living expenses
- Financial needs that relate to the child (e.g. because of special diet or need for replacement bedding), where any Developmental Trauma expressed by the child is having an adverse effect on the Special Guardian's capacity to continue in employment and/or leads to a greater expense in living costs (replacing broken items, therapeutic equipment, additional activities etc.
- The resources of the child (e.g. a trust fund, maintenance payments received, etc).
- Regulation 9 of Special Guardianship Regulations 2005 provides that financial support ceases to be payable to a Special Guardian if the child ceases to have a home with him/her, the child ceases full time education or training and begins employment or if the child qualifies in his own right for income related benefits.
- It is the carer's responsibility to notify the Somerset County Council immediately of any change in the carer's and/or child's address or circumstances.
- Weekly allowances which have been agreed without a time limit (and continue to be eligible for an allowance at each review) will cease on the child's 18th birthday, unless the Senior Business Support Officer – Central Support is notified in advance that the child is continuing in full time further education or training. In that case, the financial support may continue until the end of the course providing the course of study commenced prior to the child turning 18. In these circumstances the Kinship Team complete an assessment which is sent to the Strategic Manager – Child Placement and Resources for their approval.
- On-going financial support (or that for an agreed period) cannot duplicate any other payments available to a special guardian(s) and account will be taken of any other grants, benefits, allowances or resource available to the special guardian(s) as a result of becoming a special guardian(s) for a child. There is an expectation that any carer will claim the benefits they are entitled to. A full financial assessment will take these resources/benefits/allowances into account when calculating financial entitlement.
- On-going financial support (or that for an agreed period), remains the responsibility of the Somerset County Council for the whole term of the agreement providing that the Special Guardianship arrangement continues to meet the criteria for receiving payments.

7. Calculation of ongoing or time limited weekly allowances

The council may consider agreeing to an ongoing allowance, if there is evidence that:

- A. The behaviour expressed through the child's trauma is reducing the Special Guardian's capacity to sustain employment, and
- B. An allowance will support the Special Guardian in helping the child live with their trauma, and,

- C. An allowance is identified following a financial assessment using the DfE Standardised Means Tested Calculator.

Ongoing allowances which have been agreed without a time limit (and continue to be eligible for an allowance at each review) will cease on the child's 18th birthday, unless the Senior Business Support Officer – Central Support is notified in advance that the child is continuing in full time further education or training. In that case, the financial support may continue until the end of the course **providing the course of study commenced prior to the child turning 18.**

Regulation 10 sets our Conditions of Receiving Regular Financial Support

In order to receive regular financial support, the Special Guardian or Prospective Special Guardian must agree to the following conditions:

1. that he or she will inform the Council immediately if:
 - a) S/he changes address
 - b) The child dies
 - c) The child ceases to have a home with the special guardian/s
 - d) The child ceases full-time education or training and commences employment
 - e) The child qualifies for Income Support or Jobseeker's Allowance in his own right
 - f) The child attains the age of 18 unless he continues in full-time education or training, when the financial support may continue until the end of the course or training, he/she is then undertaking. Funding will not continue where the child is in a work-based apprenticeship
 - g) There is a change in his financial circumstances or the financial needs or resources of the child which may affect the amount of financial support payable to him
2. That s/he will provide an annual statement to the Council of their financial circumstances (as per Section 4 and 5 above). Where information is given orally, the Special Guardian or Prospective Special Guardian will need confirm the position in writing to the Council within seven days. Advice and assistance can be provided on completing the forms upon request.
3. Financial support will cease to be payable where paragraphs 5 'b,c,d,e,f' apply.

Special Guardian who was not the Child's Foster Carer

Where a Special Guardianship Order is made to a member of the child's family or other person who was not the child's foster carer, a full means tested assessment is completed based on the Department of Education (DfE) standard assessment.

However, the council sets its own maximum allowances as set out below.
The **MAXIMUM** annual allowance payable is:

100% of Somerset Council's weekly Special Guardianship Allowance for the child's age group (equivalent to Somerset's standard weekly Fostering Allowance for the child's age group);

- less Child Benefit to be claimed for the child;
- less Child tax credit/universal credit (child element excluding any disability premium) to be claimed for the child;

Payable for 52 weeks a year (or the number of weeks in the agreed payment period if agreed for less than one year).

Any benefit entitlement must be explored and claimed at the point the order is made or their entitlement starts.

This is subject to annual increases at the same percentage as increases to Somerset Council's Fostering Allowance.

Special Guardian who was the Child's Foster Carer

Where the Special Guardianship Order is made to the child's approved foster carer the annual payments that the carer will receive:

- a) For the first 2 years following the date of the Special Guardianship Order 100% of the weekly Special Guardianship Allowance - equivalent to the same standard weekly Fostering Allowance received as a foster carer for that child including the fee-based element;
- Less weekly Child Benefit to be claimed for the child;
 - Less weekly Child tax credit/universal credit (child element excluding any disability premium) to be claimed for the child;
 - Payable for 52 weeks a year.

Any benefit entitlement must be explored and claimed from the point the order is made/their entitlement starts.

The allowance is subject to annual increases at the same percentage as increases to Somerset Council's Fostering Allowance.

- b) Beyond 2 years of the Special Guardianship Order being made

Any allowance to be paid after the first 2 years (minus the fee element) is subject to a full means tested assessment using the DfE standard assessment.

The **MAXIMUM** annual allowance payable is:

100% of the weekly Special Guardianship Allowance - equivalent to the same standard weekly Fostering Allowance (**less the fostering fee**) received as a foster carer for that child;

- less Child Benefit to be claimed for the child;

- less Child tax credit/universal credit (child element excluding any disability premium) to be claimed for the child;
- Payable for 52 weeks a year.
-

Any benefit entitlement must be explored and claimed from any point that the carer's financial circumstances change.

The allowance is subject to annual increases at the same percentage as increases to Somerset Council's Fostering Allowance.

The maximum standard weekly allowance payable within the first 2 years may be extended beyond this time where considered appropriate.

This must be agreed by the Deputy Director/Assistant Director-Children's Services prior to the order being made.

There may be cases where the applicant intends to continue to foster other Looked After Children. In these circumstances the income received from being a foster carer is disregarded for the purpose of the means tested SGO financial allowance.

8. Agreement process for Special Guardianship Allowances

Consideration of financial support as a one off payment or for an agreed period will be determined and agreed by the relevant manager within Children's Services. Where an on-going Special Guardianship Allowance is requested, the Deputy Director/Assistant Director, must formally agree to financially assess and notify the Business Support Manager – Central Support Management who will then contact the carers, conduct a full financial assessment using the Department for Education (DfE) standard financial assessment.

The Business Support Manager– Central Support Management will inform the social worker of the outcome of the financial assessment for inclusion in any Court Special Guardianship Order report and support plan.

9. Reviewing ongoing Special Guardianship Allowances

Where the Council provides regular financial support, it is a requirement of the 2005 Regulations that it must review the financial support.

Regular reviews enable the Council and Special Guardians to reassess the effectiveness of financial support and consider whether it is appropriate to continue that service or change the provision in some way.

The continuation of the provision of regular financial support will only be agreed where:

the eligibility criteria in Section 4 continues to be met; and

- a) The financial assessment paperwork is completed and returned to the Council upon request. This must include the Special Guardian providing evidence of any income or expenditure which is dated within the last three months of the review date (it is recognised that there may be instances where this is not possible e.g. for loan agreements still in place taken out longer than three months ago)
- b) following re-assessment (as per section 4) the Special Guardian's means are such that they still require financial support.
- c) The review evidences that any needs identified for the child remain, or an updated assessment identifies new needs requiring financial support;
- d) where continued financial support was agreed pre-order due to exceptional circumstances and is detailed in the Special Guardianship Support Plan.

The outcome of a means tested financial review may mean that financial support remains unchanged, increases, decreases or ceases.

Where a review indicates the need for finance remains; payments will be based on the Fostering Allowance Rates payable for that age child at the time the review is undertaken, and that rate will apply up until the next review.

- The financial review of Special Guardianship allowances is undertaken annually for the term of the agreement by the Business Support Manager – Central Support Management by means of a review form being sent to the Special Guardians for them to complete and return with evidence as requested.
- Where there is a significant change in the child's needs or circumstances a Special Guardianship Support Assessment may be undertaken by a social worker including a recommendation of continuation, increase or cessation of practical and/or financial support.
- Payments will be suspended if the Special Guardian fails to submit the required financial review form and evidence when requested, but only after a reminder is sent and then 28 days written notice is given.
- If Somerset County Council proposes to vary or terminate Special Guardianship Allowances, before making any decision as a result of the review or following receipt of information around a change in circumstances, notice will be given to the Special Guardian to allow them an opportunity to make representations.

Reduction or Termination of Support

The Council may suspend financial support where:

- Special Guardian/s fail to provide an annual statement. In such cases, a final notice will be sent. Where the statement is not received within 10 days of the final notice the council will take steps to suspend, terminate or seek to recover financial support after 28 days have expired from the date the initial notice was sent.
- any other specific conditions have been agreed in relation to the provision and these have not been complied with, the Council may suspend or terminate

payment of financial support and seek to recover all or part of the financial support they have paid.

10. Legal Costs – Special Guardians

Where a child is in the care of the local authority or subject to a child protection plan and the Special Guardianship application is supported by the authority, the authority will, if Legal Aid is not available, Somerset County Council may assist with the cost of:

- Initial legal advice.
- Further legal advice once the SGO assessment and the support plan have been drawn up, if the SGO assessment is positive.

If legal costs are sought for representation at court, a request must be made in advance of the hearing and the Local Authority will consider those and any sums payable on a case by case basis, This would be dependent upon legal costs associated with the Special Guardianship application up to an amount deemed reasonable by the Council's legal representative, bearing in mind the facts/complexity of the case and any sums payable would be based on Legal Aid rates public funding rates.

Approval for payment of this support must be sought, in advance from the relevant Area Operations Manager.

If legal costs are sought to support the making of the order or in respect of any future legal costs, to support the continuation of the existence of the order, a request must be made in advance of the hearing and the local authority will consider those and any sums payable on a case by case basis. This would be dependent upon legal costs associated with the Special Guardianship application or future legal costs, up to an amount deemed reasonable by the relevant manager within Children's Services, bearing in mind the facts / complexity of the case and any sums payable would be based on Legal Aid rates public funding rates.

For payments to be made, Somerset County Council will need to be invoiced directly by the legal advocate following costs being agreed.

The authority will not meet the legal costs associated with a Special Guardianship application or any future legal costs associated with it, if the authority opposes the application and will not usually meet the associated costs if the child who is the subject of the application is not in the care of the authority or subject to a child protection plan. (Consideration will always be given to whether we are involved at a CP or CIN level and the making of the special guardianship order will prevent a child from coming into care).

11. Council Tax discount

Special Guardians may be eligible for a 50% reduction in Council Tax, providing the following criteria is met, namely that they:

- are caring for a Somerset child who was in care or had been in receipt of a Child Protection plan within the last 2 years prior to the order being made
- are living in Somerset (this applies to a primary residence only)

And

- be eligible for a means tested special guardianship allowance, as outlined in this Special Guardianship Support policy
- *claim all relevant benefits and discounts to which they would usually be entitled;*
- *claim this discount only on the one dwelling which is their main residence; and*
- *agree to receiving this council tax discount.*

Eligibility review

All eligibility for Council Tax discount will be reviewed annually and reimbursed in arrears through a council tax exemption or deduction the following year. If a Special Guardian stops being eligible, they will have to pay council tax from the day eligibility ends. The Kinship Team will notify you when this applies. If you live outside of Somerset and stop being eligible, you may have to pay back any overpayment of the amount you have received from Somerset Children's Social Care, in lieu of council tax exemption.

The discount will be dependent on eligibility between 1st April to 31st March, and will be deducted from eligible carers Council Tax from 1st April the following year. All eligible carers will need to consent to their information being passed to the Council Tax department by their Supervising Social Workers, for this discount to be applied automatically. In the event that a carer believes that they are eligible and the discount is not applied automatically, they should notify their Supervising Social Worker immediately for their eligibility to be considered and any deduction due to be applied.

Please note that in accordance with the provisions set out in the Standardised Means Test Model for Adoption and Special Guardianship Financial Support, all means testing is based on disposable income. Therefore, any increase in the Special Guardian's disposable income as a result of a reduction in Council Tax council tax will be considered in subsequent reviews of the Special Guardian's Financial Support Allowance.

12. Leaving Care Provision

Some children/young people may be eligible for support and assistance via Somerset's Leaving Care Services. Please see [Somerset Leaving Care - Transition to Adulthood](#) and Somerset Leaving Care Local Offer – Local Offer (somersetcareleavers.org.uk)