

# Special Guardianship Policy

Date: July 2022



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## Introduction

Where children are unable to live with parents, then they can be raised by extended family, friends or other people who are connected to them.

This policy sets out Milton Keynes City Council arrangements for assessing and supporting Special Guardians who wish to care for a child.

This policy will be regularly reviewed to ensure it takes into consideration any legislation or regulation changes.



## Legal Responsibilities

A Special Guardianship Order is an order appointing a person or persons to be a child's Special Guardian.

Applications may be made by an individual or jointly by two or more people to become Special Guardians. Joint applicants do not need to be married.

Special Guardians must be 18 or over. The parents of a child may not become that child's Special Guardian. A court may make a Special Guardianship order in respect of the child on the application of:

- any guardian of the child
- any individual who is named in a Child Arrangements Order as a person with whom the child is to live
- a local authority foster parent with whom the child has lived for a period of at least one year immediately preceding the application
- a relative with whom the child has lived for a period of at least one year immediately preceding the application
- any person with whom the child has lived for three out of the last five years
- where the child is in the care of a local authority, any person who has the consent of the local authority
- anyone who has the consent of all those with parental responsibility for the child in any case where a Child Arrangements Order in force with respect to the child regulates arrangements

relating to with whom the child is to live or when the child is to live with any person, any person who has the consent of each of the persons named in the order as a person with whom the child is to live

- any person, including the child, who has the leave of the court to apply

The court may also make a Special Guardianship order in any family proceedings concerning the welfare of a child if they consider an order should be made. This applies even where no application has been made and includes adoption proceedings. When considering whether to make a Special Guardianship Order, the welfare of the child is the court's paramount consideration and the welfare checklist in section 1 of the Children Act 1989 applies.



## Assessment

### Pre-SGO

The Fostering Team will complete a comprehensive Special Guardianship Assessment of prospective guardians, this will be submitted to court as part of Family Proceedings and will form part of the local authority Care Plan.

If a guardian is making a private application, then the guardian must give three months' notice to the local authority of their intention to apply.

Local authority will investigate guardians' suitability to become a Special Guardian.

Prospective Special Guardian should make an application to the court. Local Authority will be asked to submit report/assessment of guardian as to your suitability to be a Special Guardian.

The court considers the application, the local authority assessment and makes a decision in respect of the child.

### Post SGO:

For the first three years, support to the child is given by local authority where the SGO was granted.

After three years, support to the child is provided by the local authority where the child is living.

Financial support remains the responsibility of local authority where the SGO was granted.

If a Special Guardian is living in Milton Keynes and would like advice/support, they can contact the Post-SGO Support Service on 01908 253206 and [PostSGOSupport@milton-keynes.gov.uk](mailto:PostSGOSupport@milton-keynes.gov.uk).

The query will be managed by Post-SGO Support Workers who will contact the Special Guardian and complete a contact form. The Fostering Team Manager will approve any action regarding informal advice/signposting or whether formal assessment is to be completed and the case opened to the Post-SGO service. If you have a financial query this will be passed to our Finance Officer who will review any query and respond directly to Special Guardians.



## Support Plans

Regulation 14 requires that a Support 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;

Any financial support and the amount payable

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.

The provision of services is always discretionary, even in those cases where it is mandatory to carry out an assessment.

If the assessment is prior to the making of a Special Guardianship Order, the Support Plan should be filed with the Court as an appendix to the court report.

## **Review of the Support Plan**

Regulation 17 requires that plans for Special Guardianship support must be reviewed taking into account the following:

Any change of circumstances affecting the support planned;

At whichever stage of implementation of the plan is considered most appropriate;

In any event at least annually.

Reviews do not have to involve direct contact where there is no change or a minor change in circumstances. The format of the review will depend on the circumstances of the case and may be limited to an exchange of correspondence.

If the local authority decides to vary or terminate the provision of support services after the review, such a decision must be communicated in writing. The revised plan must be sent and a timescale for response. Those affected should be advised of how to access sources of independent advice and advocacy and given 28 days to make representations.

## **Financial Support:**

Biological parents will remain financially responsible for their child who is being cared for by extended family or friends under a Special Guardianship Order.

Milton Keynes City Council has a duty to offer a financial assessment to determine what support is available to Special Guardians who are caring for a child or children who had ordinarily lived in Milton Keynes prior to the SGO being granted. This is a means tested assessment and will consider income and expenditure. Milton Keynes City Council has adopted the DfE Standardised Means Tested Allowance for Adoption and Special Guardianship Orders. We do not means test any Special Guardians who are receipt of full Universal Credit, as full allowance is given.

An assessment of financial circumstances will be completed prior to the making of an SGO and then subject to annual reviews. If SGO carers financial circumstances change before the annual review, the SGO carer must notify Milton Keynes Council and request an earlier assessment.

Milton Keynes City Council aligned SGO allowance with Fostering Maintenance South-East Rates and these fees are uplifted each year in line with inflation.

The allowance provided is expected to pay towards the care and upbringing of the child subject to SGO.

On occasions exceptional payments are made additional to the SGO allowance, any request for exceptional payments needs to be assessed and presented to Support Services Panel for Head of Corporate Parenting Approval.



### **Support with Education:**

To help overcome the impact of their early experiences, children who were previously 'looked after' are entitled to the highest level of the pupil premium (pupil premium plus).

Pupil premium plus is available for children from reception age to Year 11. It entitles state schools to access £2,530 per pupil per academic year and can be used for a variety of purposes, including: part-time teaching assistant support training around attachment issues, managing transitions, emotional regulation and anger and aggression. Specific resources such as timers and creating visual timetables, communications, or passport book extra resources such as lessons, special school trips and even residential trips.

If a child was not 'looked after' but is entitled to free school meals, the school can access pupil premium.

This is aimed at closing the gap between children on lower incomes and their peers. Pupil premium is currently £1,345 per pupil for primary schools and £955 per pupil for secondary schools. It is up to the school to decide how the pupil premium is best spent.

In order to access the pupil premium plus Special Guardians should inform the school the child is subject to an SGO.

### **Therapeutic support to children and their carers:**

We recognise a child who has been removed from their parents may require professional support to help resolve early trauma and/or adverse childhood experiences.

The Adoption Support Fund (ASF) is available to most children being raised under a Special Guardianship Order who meet the criteria following an assessment of need.

This also includes children up to and including the age of 21, or 25 with an education, health and care (EHC) plan who were either:

- looked after by the local authority immediately before the SGO was made
- looked after by the local authority immediately before the SGO was made but subsequently changed to an adoption order, or vice versa



- looked after by the local authority prior to living under a child arrangement order (CAO) to enable the assessment of a potential special guardian. They remain eligible if an SGO is subsequently made.

The Special Guardian is required to request an assessment of need via the Post SGO Service.

### **Informal Support Group:**

Milton Keynes City Council have an informal support group supporting all Kinship carers, which includes Kinship Foster Carers, Carers with no orders, Carers with Child Arrangement Orders, Residence Orders and Special Guardians. This group meets regularly in Milton Keynes –

Every Thursday (Term Time) 9.30am until 11.30am in the Community Room at Morrisons Supermarket in Westcroft, Milton Keynes. *No booking required.*

The 3<sup>rd</sup> Thursday each month is an evening Zoom meeting.

For details on joining these meetings and any information about the group or about Kinship please contact Kinship MK.

Email: [kinshipmk@outlook.com](mailto:kinshipmk@outlook.com) or [grandparent.sg@ntlworld.com](mailto:grandparent.sg@ntlworld.com)

The Post SGO service also run 'drops ins' for Special Guardians, these take place on the 1<sup>st</sup> Monday of every Monday (excluding Bank Holidays) 10-11.30am at Pebbles Childrens Centre, Fishermead Boulevard, Milton Keynes, MK6 2LP.

Special Guardians can also access clinical supervision, which is a safe and confidential space facilitated by an attachment expert, who seeks to support Special Guardians to manage and process their thoughts and feelings often linked to caring for a trauma experienced child. This can be accessed via the Post SGO service.

### **Training for Special Guardians:**

Milton Keynes Fostering Service offers a wide range of direct and indirect on-line training for foster carers, including kinship carers and special guardians.

You can access the training via contacting the Fostering Duty Desk or Post SGO Service who will support you to set up an account and identify training suited to your needs.

We also have a number of licences for Children and Trauma Community Hub (CATCH) which is an online hub that provides Special Guardians with accessible tools to empower them to access the support they need.

Additionally, we produce a Quarterly newsletter, which is sent to all Special Guardians within this we will inform you of National and Local news on Kinship care, including links to helpful websites and training.

### **National Support:**

Kinship is a National Charity set up to support Kinship carers, including Special Guardians, they offer support, advice and connection with other carers. They have a helpful website, where you will find a range of links to the support, as well as research, news and how to get involved:

<https://kinship.org.uk/for-kinship-carers/>

**Family Rights Group** is a charity that advises families about their rights and options within the care system: <https://frg.org.uk/>

### **Legal Support:**

Where the child is subject to Family Proceedings all Special Guardians will be advised to seek independent legal advice prior to applying for an SGO. Milton Keynes City Council will pay for 3 hours of legal advice at legal aid rates prior to the making of an SGO where we are supporting you to seek an SGO in respect of a child.

Additional legal advice will be considered on an individual case by case basis.

Advice about legal support can also be had from the charity Kinship <https://kinship.org.uk/for-kinship-carers/> and from the Family Rights Group <https://frg.org.uk/>



## Entitlement to Leaving Care Services



If the child was immediately looked after prior to the making of a Special Guardianship Order, the child will be considered qualifying for advice and assistance under Children Act 1989, as amended by Children (Leaving Care) Act 2000 and the Adoption and Children Act 2002. To qualify for advice and assistance 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

Please contact 16 to 25 Team and speak with a Duty Social Worker on 01908 253434 For advice and assistance or access website for more information [Care Leavers Hub | Milton Keynes City Council \(milton-keynes.gov.uk\)](https://www.milton-keynes.gov.uk/care-leavers-hub).

## Discharge of Special Guardianship Order

Special Guardianship Order is in place until a child reaches the age of 18.

Special Guardianship Order can be varied or discharged by Family Proceedings court, where there is concern about welfare of the child, if a Special Guardian makes an application to vary or discharge the order or a parent with leave of the court can make an application to vary or discharge the SGO. Special Guardians should update the local authority to notify of the changes being made.

## Changes to the arrangements for the child

In certain circumstances Special Guardians must notify the parent or any other person with parental responsibility where the child is no longer living with them and new arrangements for the child have been made or if the child dies.

Where a Special Guardian is in receipt of a financial allowance in respect of the child, Special Guardian must notify the local authority if the child is no longer living with them or has died.

