Sandwell Children's Trust

SGO Financial Policy 2023



Foster for Sandwell Children's Trust

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SECTION 1 - PURPOSE OF THE POLICY AND PROCEDURE

- To outline the use of Special Guardianship Orders as an appropriate legal framework, to support greater stability and legal security to a placement and to achieve permanence where adoption is not an option.
- To set out the duties on Sandwell Children's Trust in relation to Special Guardianship Orders.
- To outline the Special Guardianship Order Offer for Special Guardians, which includes financial support and a no detriment offer where applicable.

SECTION 2 - LEGAL AND POLICY CONTEXT

Relevant Legislation

- Children Act 1989 as amended by the Adoption and Children Act 2002
- The Children Leaving Care Act 2000
- The Special Guardianship Regulations England 2005 (as amended by the Special Guardianship (Amendment) Regulations 2016)

SECTION 3 - INTRODUCTION

3.1 The needs of children are best met within a family environment. This Trust is clear that it's focus is achieving permanence for all children. The focus on early intervention is around supporting children to remain, where safe to do so, within the nuclear family but if this is not achievable then within their extended family. However, there will always be some children were this cannot be achieved without the intervention of the Trust. It is imperative in these cases that we seek alternative long-term solutions through legal orders.

3.2 Special Guardianship Orders were amended into the Children Act 1989 by the Adoption and Children Act 2002. Special Guardianship Orders were introduced in England and Wales in December 2005, as a new permanence option for children. Special Guardianship Orders provide a legal status that offers greater security than long term fostering, but without the absolute legal break with the child's birth family that is associated with adoption.

3.3 A Special Guardianship Order is a Court order appointing a person or persons to be a child's Special Guardian who will have clear responsibility for all day-to-day decisions about caring for the child. The parents retain parental responsibility; however, the Special Guardianship Order grants the Special Guardian the legal framework to exercise parental responsibility to the exclusion of any other person with parental responsibility regarding virtually all decisions affecting the child.

The exceptions are:

- the Special Guardian cannot cause the child to be known by a different surname
- the Special Guardian cannot remove the child from the UK for longer than three months without parental consent or the consent of everyone with parental responsibility for the child or the leave of the Court.
- the special Guardian cannot put the child up for adoption
- the special guardian cannot consent to surgery that doesn't improve the child's health e.g. sterilisation.

3.4 The Special Guardianship Order also limits the rights of birth parents to intervene or challenge the Order without leave (permission) of the Court. This will provide a solidifying legal framework for a child or young person, promoting a stronger degree of emotional permanence to the child's permanent and lifelong home.

3.5 The Special Guardianship Order can meet the needs of a significant group of children who cannot be brought up by their parents, which can include:

- Children who have become separated from their birth parents.
- Older children who need a sense of stability and security who do not wish to make the legal break from their birth family
- Children already settled with a relative or foster carer.
- Children from ethnic minority groups where there may be cultural difficulty with adoption.
- Unaccompanied asylum-seeking children who may need a secure legal basis without breaking the strong attachment they may have with their family abroad.

3.6 Special Guardians will have Parental Responsibility for the child until the Order is discharged. A Special Guardianship order made in relation to a Looked After Child will replace the Care Order and the Trust will no longer have Parental Responsibility. However, the making of a Care Order on a child who has a Special Guardian will not automatically discharge the Special Guardianship Order.

The Order usually lasts until the child is 18 years old.

3.7 A Special Guardianship Order has several potentially positive effects:

- it gives a child the security of a long-term placement
- the child's birth parents retain shared parental responsibility
- it gives the Special Guardian day-to-day control (jointly if there are several Special Guardians)
- Unlike adoption, a Special Guardianship Order will not remove parental responsibility from the child's birth parents. This means that the Special Guardian will have responsibility for the day-to-day decisions as well as all the important decisions about the child or young person but will need to consult the birth parents at times where key decisions are being made such as changing their name, moving overseas or agreeing adoption.

3.8 Special Guardianship has the following disadvantages as a Permanence Plan:

- The Order only lasts until the child is 18 and does not necessarily bring with it the same sense of belonging to the Special Guardian's family as an Adoption Order does.
- As the child is not a legal member of the family, if difficulties arise there may be less willingness to persevere and seek resolution.

3.9 Although there are restrictions on applications to discharge the order, such an application is possible and may be perceived as a threat to the child's stability. Special Guardianship Orders can be varied or discharged, by further application to the court.

3.10 The thresholds for revoking a Special Guardianship Order are higher than a Child Arrangement Order. A birth parent can only apply for a Special Guardianship Order to be overturned where the court has granted permission for the application because the parent has been able to demonstrate a significant change in circumstances. Sandwell Children's Trust can submit an application to court to discharge a Special Guardianship Order when requesting a Care Order for a child.

SECTION 4 - THE CIRCUMSTANCES IN WHICH A SPECIAL GUARDIANSHIP ORDER CAN BE MADE

4.1 The welfare of the child is the court's paramount consideration in all cases. The Court may make a Special Guardianship Order in any family proceedings concerning the welfare of the child. This applies even where no application has been made and includes adoption proceedings.

4.2 Any person applying for a Special Guardianship Order must give three months written notice of their intention to apply. The notice should be sent to the Trust for the area where the applicant resides.

Applicants living within Sandwell should email:
referrals_familyplacements@sandwell.gov.uk

Head the email 'SGO Notice of Intention' and include the name and address of the child; the name of the applicants wishing to apply for a special guardianship order; the applicant/s relationship to the child; the date the child came to live with them. You should receive a confirmation email within 14 days.

4.3 The exception to the requirements for three months' notice is where the court has granted leave to make an application or where there is an application made for Looked After Children by Sandwell Children's Trust.

4.4 Sandwell Children's Trust may choose to apply to the court within Public Law Proceedings (as part of its final care plan) or after a Care Order has been granted, where Sandwell Children's Trust determines that Special Guardianship is the most suitable permanence plan for a child.

4.5 Sandwell Children's Trust may encourage and support an application from an eligible applicant for a child known to Sandwell Children's Trust but for whom they do not share parental responsibility, where Sandwell Children's Trust determines that the Special Guardianship Order would be the most suitable plan for the child as an alternative to care proceedings.

5.1 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 or live in the same household. Special Guardians must be 18 years 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 Trust 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 the Trust, any person who has the consent of the Trust
- anyone who has the consent of all those with parental responsibility for the child
- In any case where a Child Arrangements Order (CAO) is in force with respect to the child, this regulates arrangements relating to 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

SECTION 6 - MAKING THE APPLICATION TO COURT

6.1 Responsibility for making freestanding applications e.g. for children not previously known to the Sandwell Children's Trust, children not currently looked after by Sandwell Children's Trust, or for applications not supported by the Sandwell Children's Trust, should be made by the applicant's legal representation. The prospective Special Guardians will need to instruct their own solicitor to draft the application and represent them in the court proceedings.

6.2 Applications for children subject to a Care Order or Interim Care Order should be made by the Children's Services legal department. The legal department will draft and submit the application upon receipt of the reports, statements and plans completed by the social workers.

SECTION 7 - PAYMENT OF FINANCIAL SUPPORT

7.1 As set out in Special Guardianship Statutory Guidance, financial support is payable to facilitate arrangements for a person to become the child's Special Guardian, where this is considered to be beneficial to the child's welfare, and to support the continuation of these arrangements after the order has been made.

7.2 This policy is designed to enable Sandwell Children's Trust to pay financial support to the carers of looked after children who are the subject of permanence arrangements such as Special Guardianship Orders, as it is necessary to ensure that the Special Guardian can look after the children who are subject of the order.

7.3 The policy is based on the principle that where a permanency order is agreed as being in the child's best interest, there should be no financial disincentive for the foster carer to become the permanency carer.

7.4 The policy sets out the criteria for eligibility and the circumstances which may justify Special Guardianship financial support. The policy should be read in conjunction with the regulations in respect of Special Guardianship.

7.5 Sandwell Children's Trust may consider providing financial support for a Special Guardianship permanent care arrangement in circumstances where a child is subject of a court order placing him/her in the care of someone other than his/her parents, and the effect of this order is that the child would not become long term looked after by Sandwell Children's Trust.

7.6 The following criteria must be met:

a The child must have been looked after by Sandwell Children's Trust at some time in the 12 months before the order was made and must be ordinarily resident in Sandwell at the time the order was made, or when the financial support is first agreed or;

b The permanency order was made in public court proceedings instigated by Sandwell Children's Trust

c The Children in Care Head of Service agrees following a recommendation from the Fostering Registered Manager (or nominated officer) that an allowance is required to support an order and prevent a child becoming long term looked after by Sandwell Children's Trust.

7.7 The payment of the financial support is subject to an assessment and is governed by the Regulations in respect of Special Guardianship Orders. Sandwell Children's Trust shall normally only make payments for:

a Children who are looked after to enable a child who is being looked after by Sandwell Children's Trust to be securely placed, and to enable the child to leave the care of Sandwell Children's Trust and where financial support is assessed as appropriate to achieve this:

b Children where the arrangement is considered a direct alternative to care and the permanency order was made in public court proceedings instigated by Sandwell Children's Trust.

7.8 The financial support payable by Sandwell Children's Trust will not include any element of remuneration (fee) for the care of the child unless:

a The applicant is or has been a Sandwell Children's Trust foster carer and,

b an element of remuneration was included in the payments made by Sandwell Children's Trust to that person in relation to fostering the child or;

c this was agreed as part of an Exceptional Payment arrangement (section 9) prior to the Special Guardianship Order being granted.

7.9 In preparation for the granting of the order, any prospective Special Guardian must apply for child benefit/child tax credits as part of the Special Guardianship assessment process and inform their assessor accordingly. If evidence of their application and entitlement is not provided, Sandwell Children's Trust will automatically deduct the minimum amount of child benefit/child tax credit entitlement to ensure there is no duplication of government benefits using the Department for Work and Pensions calculator:

https://www.entitledto.co.uk/?utm_source=BAdviser&utm_medium=referral&utm_campaign=GovUK

7.10 In determining the amount of financial support, the Trust must take account of any other grant, benefit, allowance or resource which is available to the person in respect of his needs as a result of becoming a Special Guardian of the child. Special Guardians must be helped to access any benefits to which they are entitled; including any tax credit or benefit, which would be available to him if the child lived with him. Advice and consultation will be made available to Special Guardians and this may include signposting to relevant agencies that may support applicants with accessing relevant entitlements.

7.11 Payments are exempt from tax under the 'qualifying guardians' exemption. Allowance payments are not treated as income from self-employment but do need to be declared on a self-assessment tax return. They are also ignored when calculating tax credits, housing benefit or any other means-tested benefit.

7.12 The Special Guardianship Order payment (based on the fostering maintenance allowance) will increase over time (during the period that the Special Guardian qualifies for financial support), in line with Sandwell Children's Trust maintenance rates (minus any other child related benefits).

7.13 Different arrangements and criteria apply to present foster carers who obtain a Special Guardianship Order for a child in their care. The next section of the guidance is therefore split between applicants who are not presently foster carers of the child, those that are, and the remuneration for former foster carers outside of the 'Exceptional Payment arrangement.

SECTION 8 - APPLICANTS WHO ARE NOT PRESENTLY THE CHILD'S FOSTER CARER

8.1 The need for financial support will be determined using Sandwell Children's Trust financial assessment criteria. State benefits and tax credits are still available to the holders of such orders in the same way as they are for any parent. Any financial support paid by Sandwell Children's Trust must not duplicate any benefit payments, and any such payments will be taken into account in the assessment.

8.2 The approval of the allowance is determined by the needs of the child and the financial circumstances, including benefits, of the applicants.

8.3 The child's circumstances where an allowance may be paid are:

a The child needs special care as a result of illness, disability, emotional or behavioural difficulties or the consequences of abuse or neglect.

b Where it is necessary to make special arrangements to facilitate the arrangement by reason of age, ethnic origin or the desirability of being placed with siblings.

c Where Sandwell Children's Trust considers it necessary to ensure that the carer can look after the child.

8.4 For Special Guardianship applications, it is recommended the assessment of financial eligibility commences when a child is identified as a possible match for the applicants, or prior to placement where possible.

8.5 The financial circumstances of the applicant are assessed using Sandwell Children's Trust means test. Supporting documentation will be required from the applicant to evidence the figures provided.

8.6 Where the applicant's total income is made up of benefits / pension credits / state benefits, a financial assessment is not required, although documentary proof of the benefits is still required. Additional child element benefits that are available to the Special Guardian in respect of the child as a result of becoming a Special Guardian will be deducted from the allowance paid, including child benefit.

8.7 The allowance, if approved, is payable at the rate of Sandwell Children's Trust fostering maintenance payment for a child of the same age, minus any benefit payments received in relation to that child as a result of the Order (PIP/DLA will not be included). An adjustment related to the income of the applicant is determined by the Means Test.

Review

8.8 There will be an annual review of the allowance which will determine whether the child is still living with the carers and a financial re-assessment to determine whether the financial criteria are still met.

The rate payable will also be reviewed and amended, if there has been a change to Sandwell Children's Trust fostering maintenance level, change in financial circumstances, or the child has moved into a different age bracket. The holder of the Order has a responsibility to inform Sandwell Children's Trust if their financial circumstances change at any point throughout the year.

8.9 Where Special Guardians do not return the Annual Review Forms within the required timescale or provide information that has been requested within a 28-day timescale, payments will be suspended for 28 days. A letter will be sent to the Special Guardian confirming the suspension date, providing them with a further 28 days for representations. Should the requested information not be received within the further 28 days the payments will be terminated.

8.10 Sandwell Children's Trust **will** undertake a review if it becomes aware that there has been a relevant change in the circumstances of the person receiving support.

8.11 **Any retrospective claim for financial support where conditions in 8.3 are met may only be backdated to the date of the initial request for assessment or a subsequent review date up to a maximum period of 12 weeks.**

8.12 Where an allowance is being paid in accordance with the Special Guardianship Regulations, the Trust will continue to pay until the end of the child's formal education, (after their 18th birthday) if the course started prior to their 18th birthday. It is the responsibility of the holder of the Order to notify Sandwell Children's Trust in writing 3 months before the child's 18th birthday that they intend to remain in full-time education or training, so that a continuation of payments can be considered up until the end of that course year (this excludes higher education). Without such a notification, the payments will cease when the young person becomes 18 years of age and cannot recommence.

8.13 The Finance Team will present an annual summary at a financial review panel chaired by Head of Service for Children in Care and include the finance Team and Support Team.

SECTION 9 - APPLICANTS WHO ARE PRESENTLY THE CHILD'S FOSTER CARER

Exceptional Payment Financial Support

9.1 This section sets out the offer by Sandwell Children's Trust to Foster Carers who are caring for children identified to move to Special Guardianship as part of the 'Exceptional Payments' offer.

9.2 Foster Carers include Sandwell Children's Trust foster carers, both mainstream and connected persons, and carers from Independent Fostering Agencies.

9.3 Where a Special Guardianship Order is deemed to be in the best interests of the child and the Foster Carers, Sandwell Children's Trust is committed to assisting and resolving any practical and financial barriers that may create a disincentive for foster carers to take on a Special Guardianship Order.

9.4 The allowance can only be considered when all the following criteria are met:

a The child is placed with the foster carers

b It has been agreed that it is in the best interests of the child to remain permanently with that carer.

c The agreement to the Exceptional Payment arrangement is provided in writing by Sandwell Children's Trust prior to the Special Guardianship Order

9.5 **Foster carers who become Special Guardians will receive a Special Guardianship allowance from Sandwell Children's Trust equivalent to their current payments of age-related fostering allowances and fees until the child is 18 years old, less any child related payments (excluding PIP/DLA) that are made through child benefit and tax credits as a result of the Order (Special Guardianship Regulation 13).**

Review

9.6 The Special Guardianship support including financial support **must** be reviewed at least once a year through an annual review of the Special Guardians' and child's circumstances to determine that the child remains living with the Special Guardian, an update on the benefits that the Special Guardians receive for the child/ren and that they remain living at the same address.

9.7 Where Special Guardians do not return the Annual Review Forms within the required timescale or provide information that has been requested within a 28-day timescale, payments will be suspended for 28 days. A letter will be sent to the Special Guardian confirming the suspension date, providing them with a further 28 days for representations. Should the requested information not be received within the further 28 days the payments will be terminated.

9.8 Sandwell Children's Trust **will** undertake a review if it becomes aware that there has been a relevant change in the circumstances of the person receiving support.

9.9 **Any retrospective claim for financial support where conditions in section 9.4 are met may only be backdated up to a maximum period of 12 weeks.**

9.10 Where the 'Exceptional Payment' is being paid and in accordance with the Special Guardianship Regulations, the Trust will continue to pay former foster carers and connected carers until the end of the child's formal education, (after their 18th birthday) if the course started prior to their 18th birthday.It is the responsibility of the holder of the Order to notify Sandwell Children's Trust in writing 3 months before the child's 18th birthday that they intend to remain in full-time education or training, so that a continuation of payments can be considered up until the end of the course (this excludes higher education). Without such a notification, the payments will cease when the young person becomes 18 years of age and cannot recommence.

9.11 The Finance Team will present an annual summary at a financial review panel chaired by Head of Service for Children in Care and include the finance Team and Support Team.

SECTION 10 - TRANSITIONAL PAYMENTS FOR FORMER FOSTER PARENTS WHERE THE EXCEPTIONAL PAYMENT ARRANGEMENT IS NOT IN PLACE

10.1 Financial support cannot normally include the payment of remuneration to the Special Guardian or prospective Special Guardian for care of the child. However, where the Special Guardian or prospective Special Guardian previously fostered the child and they received an element of remuneration in the financial support paid to them as the child's foster parent that Sandwell Children's Trust may continue to pay that element of remuneration for two years from the date of the Special Guardianship order. These payments may continue for longer than two years if the Trust considers this appropriate.

10.2 In determining the amount of financial support, the Trust must take account of any other grant, benefit, allowance, or resource which is available to the person in respect of his needs as a result of becoming a Special Guardian of the child. Special Guardians must be helped to access any benefits to which they are entitled; including any tax credit or benefit, which would be available to him if the child lived with him. Advice and consultation will be made available to Special Guardians and this may include signposting to relevant agencies that may support applicants with accessing relevant entitlements.

10.3 The purpose of the two-year transitional provision is to enable Sandwell Children's Trust to maintain payments to foster carers who become Special Guardians, at the same rate as they received when they were fostering the child. Sandwell Children's Trust may make payments on a sliding scale to enable a family time to adjust to their new circumstances:

Transitional payments may be considered as follows:

- 100% payment for the first six months
- 50% payment for the following 8 months
- 25% payment for the following 8 months

SECTION 11 - ADDITIONAL FINANCIAL SUPPORT TO SPECIAL GUARDIANS

11.1 In this context the term "financial support "applies to: -

- A single lump sum to meet a specific assessed need.
- A series of lump sum payments to meet a specific assessed need.

11.2 To help ensure that financial barriers are overcome, with consent, a referral can be made by the Special Guardianship Support Team for the prospective Special Guardian to access welfare benefits advice in respect of income maximisation.

11.3 Financial support will only be paid to a Special Guardian or prospective Special Guardian in line with the eligibility criteria in 8.3 and the approval section 13.

11.4 Sandwell Children's Trust will undertake a review if it becomes aware that there has been a relevant change in the circumstances of the person receiving support.

Financial Support	Exceptional Payment Arrangement	Foster Carers	Non-Foster Carers (Private Applications)
Up to £500 plus VAT to seek legal advice	Yes	Considered	No
Apply for Child Benefit	Yes	Yes	Yes
Travelling Expenses for contact	Considered	Considered	Considered
Means tested Special Guardianship	No	Yes	Yes
Allowance based on National Maintenance Allowance	Yes	Yes	Considered
Equivalent to Fostering Allowance	Yes	Yes	No
Birthday, Christmas, and Holiday allowance	Considered	Considered	No

SECTION 13 - APPROVALS

13.1 Approval for financial payments is made by the Children in Care Head of Service following a recommendation from the Registered Manager Fostering (or nominated Officer). The Head of Service will consider evidence of the child's history and family circumstances, the child's needs, and the financial circumstances of the applicant.

The approval for financial payments must evidence and have recorded in the recommendation how the financial policy is being applied.

Approval for financial payments requires a brief summary from the social worker covering the child's history and family circumstances, the child's needs and the financial circumstances of the applicant and/or whether this is an exceptional payment request to: sgofinance@sandwellchildrenstrust.org.

The decision is made by the Children in Care Head of Service following a recommendation from the Registered Manager Fostering (or nominated Officer).

13.2 There may be circumstances that warrant a single payment to support a placement, and agreement to such a payment when it exceeds £1000 needs to be made at the Resource Panel by The Director. The support plan would need to include this payment and the reason for its provision. This excludes the purchase of property and extensions.

13.3 Where a single payment is under £1000.00 agreement can be made by the Head of Service, Children in Care.

SECTION 14 - NOTIFICATION

14.1 Where Special Guardians are eligible for financial support, they must be informed in writing of the following:

- When payment will commence.
- Conditions for continuing payment and date by which conditions are to be met, i.e. returning financial review forms and supporting documentation/confirmation the child remains living with the Special Guardian etc.
- Arrangements and procedure for review and termination.

14.2 A copy of this agreement should be sent to the Child's Social worker to be uploaded onto LCS and Sandwell Children's Trust Finance Team, who upload onto the finance record.

14.3 Before any financial support is payable, the prospective/Special Guardians **must** agree to inform Sandwell Children's Trust immediately if they change their address, the child no longer lives with them, the child dies or, their financial circumstances change. Where the holder of the Order verbally informs Sandwell Children's Trust of the change in circumstances, they **must** confirm these changes in writing within seven days.

SECTION 15 - CESSATION OF FINANCIAL SUPPORT

15.1 Sandwell Children's Trust will terminate financial support with effect from the date it becomes aware of the following:

- The Special Guardianship Order has ceased to have effect
- The child has attained the age of eighteen or the Order has been revoked by the Court
- The child ceases to have a home with the Special Guardian
- The child is in receipt of universal credit or jobseeker's allowance
- The child has begun full-time paid employment

15.2 Occasional or short periods of temporary absence away from the Special Guardian's home **will not** be considered, for example in connection with education, short breaks, or hospitalisation.

SECTION 16 - SPECIAL GUARDIAN DUTY ON THE DEATH OF THE CHILD

16.1 If the child with respect to whom a Special Guardianship Order is in force dies, the Special Guardian must take reasonable steps to give notice of that fact to:

- Each parent of the child with Parental Responsibility; and
- Each guardian of the child.
- Sandwell Children's Trust

SECTION 17 - PAYMENT OF LEGAL FEES

17.1 Where there are existing care proceedings and the Special Guardianship Order application is being made within those proceedings and is supported by Sandwell Children's Trust, it is generally not necessary for the Special Guardians to be made a party to the proceedings and represented within the proceedings.

17.2 For applications made as part of the 'Exceptional Payment' arrangement Sandwell Children's Trust will make the application to court for the Special Guardianship Order. The Prospective Special Guardian will be encouraged to seek independent legal advice and the Trust will fund at least one session. Any additional legal advice required by the Special Guardian or potential legal fees incurred should be escalated to the Service Manager for Fostering/ Head of Service and depending on the financial implications may be heard at Resource Panel.

SECTION 18 - PUPIL PREMIUM

18.1 All Special Guardians should inform their child's school when a child is subject to a Special Guardianship Order so that the school can claim the pupil premium.

The pupil premium plus (PP+) is payable annually for looked after children and will continue to be paid following the making of a Special Guardianship Order.

Children who are subject to a special guardianship order, without having been in Trust care, attract pupil premium if they have been registered for free school meals at any point in the last six years.

19.1 Regulation 22 of the Special Guardianship Guidance – Statutory Guidance for Local Authorities on the Special Guardianship Regulation 2005 (as Amended by the Special Guardianship (Amendment) Regulations 2016) states that 'Time spent under a Special Guardianship Order is relevant when considering the child's entitlement to leaving care services'. The Children Act 1989 Part 111 defines 'Persons who may qualify for Advice and Assistance' as a person:

a who has reached the age of sixteen but not the age of twenty-one
b with respect to whom a special guardianship order is in force (or, if he has reached the age of eighteen, was in force when he reached that age); and
c who was, immediately before the making of that order, looked after by a local authority / Trust

19.2 Advice and assistance may be given by the Service to a Special Guardian when their child reaches 16. Where appropriate this may include contact with the Leaving Care Team.

19.3 The implementation of such support would need to be assessed therefore the Special Guardian would be supported to access the Leaving Care services who would advise on the services available.

19.4 Young people who meet the criteria receive advice and assistance in the same way as any other young person who qualifies for advice and assistance under the 1989 Act. Regulation 22 provides that the relevant Local Authority/Trust is the one that last looked after the child. Depending on the service required, it may be more appropriate for the young person to seek support locally, where he is now resident (i.e. health care). Should there be any doubt about the advice and assistance there should be communication and planning between the Local Authority/Trust where the child lives and the Local Authority/Trust who last looked after the child to ensure that the child receives the support that they are entitled to.

19.5 Regulation 24B (5), Children (Leaving Care Act) 2000 states that the assistance may be in kind or, in exceptional circumstances, in cash.

19.6 Special Guardians are encouraged to seek information from relevant organisations such as the Family Action, Kinship, Fostering Network, Citizens Advice Bureau, and the Family Rights Group.

SECTION 20 - SPECIAL GUARDIANSHIP SUPPORT OFFER

20.1 Where the child was previously Looked After by Sandwell Children's Trust, the Trust has responsibility for providing support for the first three years after the making of a Special Guardianship Order.

20.2 After three years, the Local Authority or Trust where the Special Guardian lives, if in the jurisdiction of England, will be responsible for the provision of any support required.

20.3 The provision of ongoing financial support will remain with Sandwell Children's Trust if it was completed within the three years the Trust were responsible. If it was not completed in this time it is the responsibility of the Local Authority or Trust in which the Special Guardians live.

20.4 If a child was not a Looked After child, the Local authority or Trust where the Special Guardian lives has the responsibility for completing any assessment for Special Guardianship support and determining what, if any, provision will be made.

20.5 If needed a visit will be arranged to complete an Assessment of Need

20.6 Where Sandwell Children's Trust provides support services, other than financial support, it must review the provision of such services:

- If any change in circumstances which may affect the provision of special guardianship support services comes to their notice
- At any such stage in the implementation of the plan as they consider appropriate
- In any event, at least annually

20.7 The services (if any) that Sandwell Children's Trust proposes to provide:

- Advice & Guidance for the duration of the Order
- Children Looked After at the time of the Order will be supported as SGO Children in Need for a period of 6 months. The support will be a minimum of 6 weekly contact with the Special Guardian.
- Assessment of Need & Development of Support Plans
- Support with housing issues, advice, and signposting.
- Mediation support for contact issues.
- Liaison with cross boundary working.
- Signposting to advocacy and support services.
- Family information Service Hub: fis.sandwell.gov.uk
- Waiting Room.org
- Familylives.org.uk
- Compass.kinship.org.uk
- Support Groups, Special Events & activities
- Support with education, attend school meetings, SENDIAS referrals.
- Access to appropriate foster carer training.
- Financial Support can be considered in line with the financial policy
- Leaving Care Services for Children Looked After prior to the Order being granted.
- Access to the Adoption Support Fund (ASF) for services such as therapeutic life story work, play therapy, attachment-based support etc., for children and young people who were previously looked after prior to the Special Guardianship Order www.gov.uk/guidance/adoption-support-fund-asf

- The Special Guardian Support Service should be invited to attend any meetings within Sandwell Children's Trust that the child who is subject of a Special Guardianship order is part of e.g. child in need/child protection/early help/strengthening families/family solutions. This is to ensure that the specialist special guardianship knowledge is considered within the context of future planning.
- Special Guardians are entitled to access any universal services in the area that they live.

Any requests for SGO support to:
sgo_support@sandwellchildrenstrust.org

SECTION 21 - SPECIAL GUARDIANSHIP ORDER SUPPORT PLAN

21.1 The Special Guardianship Support Plan needs to detail the basis upon which financial support and services are determined. Whether the financial support will be paid in the form of a regular allowance or one-off payment, how much the support will be and what period it covers, and the mechanism for review.

21.2 A plan must be prepared if Sandwell Children's Trust proposes to provide Special Guardianship support 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
- Timescales for provision
- Procedures for review
- The name of the person nominated to monitor the provision of services in accordance with the plan.

21.3 The Special Guardianship Support Plan must be presented by the child's Social Worker to the Registered Manager Fostering (or nominated officer). The resources detailed in the support plan must be approved by the Head of Service Children in Care or Resource Panel (see approvals section 13).

21.4 The person who has been notified has the right to make representations to Sandwell Children's Trust in respect of the proposed Special Guardianship support services within the period specified. Sandwell Children's Trust must specify a period of 28 days from the time the proposed decision is provided to the person unless circumstances require a shorter or longer period.

21.5 Sandwell Children's Trust **must** not decide as to the provision of support services until representations have been made or the time has expired. There is flexibility to allow Sandwell Children's Trust to decide before the period expires, if the person assessed informs Sandwell Children's Trust that they agree with the proposal, or they make their representations in writing before the period expires. This is to ensure there is no delay in the provision of services if they are required to make the arrangement work.

21.6 After considering representations and having regard to the assessment of needs, Sandwell Children's Trust must decide whether to provide Special Guardianship support services and to give notice of that decision **in writing**, including the reasons for the decision. The approval must be endorsed by the Head of Service Children in Care or a nominated officer.

SECTION 22 - VARIATION OR DISCHARGE OF THE SPECIAL GUARDIANSHIP ORDER

22.1 Unlike an adoption order, a Special Guardianship Order can be varied or discharged upon application to the Court. The following people must obtain leave (permission) of the Court before making an application to vary or discharge the Special Guardianship Order:

- The Special Guardian/s
- Any parent or guardian of the child
- Anyone named in the Child Arrangements Order as a person with whom the child is to live
- Any other individual who has Parental Responsibility for the child, or who had Parental Responsibility immediately before the Special Guardianship Order was made
- The child if the Court is satisfied that s/he has sufficient understanding to make the application

SECTION 23 - SPECIAL GUARDIANSHIP RECORDS

23.1 All information regarding an application for a Special Guardianship Order will be kept on the child's electronic record. All information post Special Guardianship Order will be kept on the child's special guardianship electronic record.

23.2 Once a Special Guardianship Order has been granted, the allocated Social Worker is responsible for ensuring that the Special Guardianship Court Report and a copy of the Order is on the child's electronic file. The allocated Social Worker must notify of the change of legal status and must update the file accordingly specifying the date the Special Guardianship Order was granted.

SECTION 24 - SPECIAL GUARDIAN DUTY ON THE DEATH OF THE CHILD

24.1 If the child with respect to whom a Special Guardianship Order is in force dies, the Special Guardian must take reasonable steps to give notice of that fact to:

- Each parent of the child with Parental Responsibility; and
- Each guardian of the child.
- Sandwell Children's Trust

SECTION 25 - COMPLAINTS AND REPRESENTATIONS

25.1 Should the Special Guardian not be in agreement with a decision regarding services, and a resolution could not be brokered through the relevant service area then the option to progress this through the formal complaint route is available.

25.2 If you wish to make a formal complaint please email CS_Firmstep@sandwell.gov.uk with the details.

Or the Customer Feedback Team can help you access this service and can be contacted on 0121 569 7867.

Alternatively, you can raise this request through your MySandwell Account at www.sandwell.gov.uk/mysandwell