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**Bournemouth Borough Council**

**Financial Support for Special Guardianship Policy**

1. **Why do we have this policy?**

**Reason**

The Special Guardianship Regulations 2005 (SGR) govern the payment of any financial support to special guardians. A special guardian is appointed by a court order made under section 14 of the Children Act 1989.

Applications may be made by an individual or jointly by two or more people to become special guardians. A special guardian will have parental responsibility for the child and unlike adoption the basic legal link with the parents is retained. They remain legally the child’s parents although their ability to exercise their parental responsibility is limited. Special Guardianship is an important option for permanency planning, when children cannot remain living with their parents.

**Purpose**

The policy sets out when the Council will pay financial support to the carers of children who are the subject of Special Guardianship Orders (SGO) to ensure that the special guardian can look after the child or children who are subject to the Order. Assessment is required and this may not result in automatic financial support.

The policy sets out the criteria for eligibility and the circumstances which may justify financial support. This support may be in addition to other services that may be available. For information on who can apply to be a special guardian, please refer to Appendix 1 of the information leaflet, ‘Special Guardianship: information for social workers, and prospective special guardians’.

1. **Who must comply with the policy?**
2. Staff in Children’s Social Care and Aspire Adoption, Regional Adoption Agency from 1st July 2017 undertaking assessment of a person’s need for financial support in relation to special guardianship.
3. The ART Commissioning Team in relation to financial assessments.
4. Special guardians and prospective special guardians.
5. **When does this policy apply?**

This policy applies when a person or persons make an application to become a special guardian.

1. **Who needs to be aware of this policy?**
2. Members of the public wishing to make an application for a SGO in respect of a child
3. Foster carers wishing to make an application for an SGO in relation to a looked after child placed with them
4. Staff within Children’s Social Care and Aspire Adoption Regional Adoption Agency.
5. **What is the policy?**

Financial support may be paid to an individual caring for a child who is the subject of a SGO. The payment of financial support is at the discretion of the Council and is subject to both an assessment of need and an annual financial means-tested assessment of income and expenditure.

Benefits are available to special guardians. Benefits received will be taken into account in any financial assessment if any financial support is agreed.

Circumstances where financial support payments will normally be made are:

1. Children, where Special Guardianship is considered a direct and appropriate alternative to becoming or remaining looked after, to enable that child to be securely permanently placed, to enable the child to leave the care of the Council, and where financial support is assessed appropriately to achieve this.

In the following circumstances the Council has discretion to provide financial support:

1. If the child is not or was not looked after by a local authority, there is no entitlement to an assessment for special guardianship support service but this assessment may be requested and the Council will exercise discretion in deciding whether to provide financial support
2. Where the child needs special care, which requires greater expenditure of resources than would otherwise be the case because of illness and emotional difficulties as the consequence of past abuse or neglect. Where there is a need, each case will be assessed and recommendations will be made by the Best Care Panel to the Service Director for Children’s Social Care for consideration.

**Looked after children**

Under the special guardianship regulations, the Council may consider, if it is appropriate, to contribute to any legal costs when an application for a SGO is made. The circumstances that would be considered are:

1. where it is necessary to ensure that the placement is secured
2. where legal representation is required and
3. where funding is not available to the applicants.

In these circumstances, the Council will take into account the income and expenditure of the applicant(s) to determine whether a contribution to the legal costs will be required.

The Council may also consider financial support as may be required under section 17 of the Children Act 1989 where a child is considered to be in need. Payments are discretionary under section 17 and will be means tested, and an assessment will be carried out.

**Looked after children placed with independent foster care agencies**

Independent Foster Care Agencies are not excluded from this policy as it relates to children who are looked after by the Council and have been placed with them.

In circumstances where it has been agreed with the relevant parties and it is considered within the child’s statutory review as an appropriate option for permanency, the Council will support applications from independent provider foster carers to consider SGOs. In these cases, the Council will pay financial support up to the level which it funds its own internal foster carers applying for SGOs, at the time of the application and the granting of a SGO.

The Council will not fund the financial rates that the independent fostering agency pay the foster carer. These rates will be the same as the payments paid to the internal Council foster carers who seek SGOs.

1. **How is this policy implemented?**

**Procedures**

The Council will assess the financial circumstances of the special guardian where this is an alternative to care or where this a private matter and a request for financial assistance has been made to the Council.

Financial support can be paid as a regular allowance, a single payment or a series of payments and can be for a set period e.g. during a settling in period or until a child starts school. If the support is paid periodically, payments will be paid according to the schedule of rates determined by the Council and which may be amended on the annual review date. The current level of financial support is linked to the Council’s fostering allowance rates. The payment will be dependent upon the age of the child and the financial circumstances of the carers and child. The financial support payable by the Council will not include any element of remuneration for the care of the child by the special guardian unless:

1. the special guardian has been a Council foster carer in respect of the child and/or
2. an element of remuneration was included in the payments made by the Council to that person in relation to fostering the child.

Any element of remuneration will cease to be paid after a two-year period from the making of the SGO unless the Council consider its continuation to be necessary having regard to the exceptional needs of the child or any other exceptional circumstances. If the special guardian is not a former foster carer no remuneration will be paid.

The recommendations as to whether or not the child meets the criteria for the payment of financial support will be based on the information received during the assessment taking into account the child’s individual needs. The decision to provide a special guardianship allowance will be made by the Service Director within Children’s Social Care. The social worker’s recommendations supported by their Team Manager will be presented to the Best Care Panel and considered by the Service Director for authorisation.

If authorisation is not given or the amount is disputed an appeal can be made to the Service Director of Children’s Social Care.

If the applicant wishes to appeal the decision they must notify the Service Manager of Children’s Social Care within 28 days setting out the reasons for their appeal.

A letter of appeal will be considered by the Service Director of Children’s Social Care within 28 days upon receipt and a response will be sent in writing within seven days of the decision having been made.

**Length and review of any special guardianship payments**

A SGO expires when the child is 18. Regarding SGO payments, these are normally agreed for a period of two years and will be reviewed annually unless they are a one-off payment. If the payments are periodic, the Council will set the period over which these payments will be made. If the payments are continued beyond this period, it will be with agreement of the Council. Any request to extend financial support must be made by requesting a review of the Special Guardian Support Plan via the Aspire Adoption, Special Guardian Support Service.

Financial support will be discontinued if the young child/young person:

1. ceases to reside with the special guardian; or
2. ceases full time education and commences employment or qualifies for a placement on a Government Training Scheme; or
3. qualifies for state benefits in his/her own right; or
4. reaches the age of 18 unless he/she remains in full time education in which case the Council may consider providing financial support until he/she completes their current course of study, if he/she has no other means of financial support available; or
5. the child/children and young person’s ordinary residence changes to another Authority.

The Council may decide, depending upon the circumstances of the special guardians to have shorter intervals for reviews. The special guardians will always be required to supply details and evidence of their income and outgoings to allow the financial assessment to be made for the initial financial assessment and before each annual review.

If financial support has been withdrawn or is reduced because the special guardian’s income has risen above the level at which they would qualify for financial support it shall be open to the special guardian to make an application to the Council for a financial reassessment if their circumstances change and their income is reduced.

**Roles and responsibilities**

Social workers within Children’s Social Care will be responsible for undertaking assessments of special guardianship support.

The ART Commissioning team will be responsible for undertaking financial assessments.

The Service Director, Children’s Social Care will be responsible for decision making in relation to an application for financial support, overseen by the Best Care Panel recommendations.

**Implementation and communication**

The current proposal is based on the formula used for calculating adoption, SGO and Residence Order allowances, linked to in-house fostering allowances.

There are efficiencies to be made within Children’s Social Care through supporting more family/friends and mainstream foster carers in successfully applying for SGOs. A child subject of an SGO is no longer looked after and will therefore:

1. Not require a social worker, education caseworker or specialist LAC nurse
2. Not require the LAC review process

In addition, the cost of SGOs will be less than full placement costs.

This policy is in accordance with legislation and statutory guidance and must be complied with by those undertaking the SGO assessments. The Service Director - Children’s Social Care, is responsible for ensuring that the Aspire Adoption dealing with these assessments complete them within the statutory timeframe, and in accordance with the legislation, guidance and this policy.

Special guardians are responsible for immediately notifying the Council about any changes of circumstances including financial changes in accordance with [Special Guardianship Regulations](http://www.legislation.gov.uk/uksi/2005/1109/made). This must be confirmed in writing within 7 calendar days. Failure to do so may result in the Council suspending or terminating payment of financial support and seeking recovery of all or part of the financial support paid. Furthermore, if an annual statement is not provided to the Council despite a reminder being sent and 28 days having expired since the date of the reminder, the Council may suspend, terminate or seek to recover the financial support.

**Enforcement**

This policy is in accordance with legislation and statutory guidance and must be complied with by those undertaking the SGO assessments. The Service Director - Children’s Social Care, is responsible for ensuring that the Aspire Adoption dealing with these assessments complete them within the statutory timeframe, and in accordance with the legislation, guidance and this policy.

1. **Supporting information**
* ‘Special Guardianship: information for social workers, and prospective special guardians’ - please see appendix 1

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| **Effective from date** | 31 May 2017 |
| **Review date** | 31 May 2020 |
| **Review frequency** | Every three years, or at point of new national legislation and guidance, whichever is the sooner |
| **Policy Owner (job title)** | Service Director for Children’s Social Care  |
| **Policy Author (job title)** | Service Manager, Children’s Social Care  |
| **Policy Sponsor (job title)** | Service Director for Children’s Social Care |
| **Approval bodies**  | Corporate Management Team |
| **Approval dates** |  |
| **Related legislation**  | Special Guardianship Regulation 2005Special Guardianship Amendments Regulations 2016 |
| **Related policies**  | Family and Friends Policy |
| **Version**  | V6 |

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| **Revision history** |
| **Version** | **Date** | **Amendments made** | **Requested by (job title)** | **Made by (job title)** |
| 1 | May 2012 | Revision of original document, held in CSC protocols manual in preparation for publication on BBC website | Policy Officer | Service Manager, Children’s Social Care |
| 2 | Sept 2012 | Refining proposal  | Policy Officer | Service Manager, Children’s Social Care |
| 3 | Nov 2012 | a/a | Policy Officer  | Service Manager, Children’s Social Care |
| 4 | March 2013 | Final adjustment by legal team and approval by CSC – to CMT for approval | Policy Officer  | Service Manager, Children’s Social Care |
| 5 | August 2013 | Amendments as advised by policy officer.  | Policy Officer  | Service Manager, Children’s Social Care |
| 6 | May 2013 | Amendments as advised by policy officer. | Policy Officer  | Service Manager, Children’s Social Care |
| 7 | June 2017 | Legislation updated to reflect changes in Special Guardianship Amendments Regulations 2016  | Policy Officer  | Service Manager, Children’s Social Care |

**Consultees**

The following individuals/groups were consulted during the development of this policy:

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| **Name** | **Organisation** | **Date consulted** |
| Family/friends carers | Locally |  |
| Legal team | Bournemouth Borough Council  |  |
| Grandparents plus | Voluntary sector national organisation |  |
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**Equality Impact Needs Assessment**

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| **Assessment date** | **29.05.2017 – approved by CSC SMT** |

**Freedom of Information Act**

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| **FOI Exempt?** | **No** |