

# Special Guardianship Order Policy

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## **Special Guardianship Order Policy**

### **1. Introduction**

- 1.1 What is Special Guardianship: Special Guardianship is an order that can be made by the Court that gives a child legal security in a family without giving them a new identity. Under a Special Guardianship order, links between the child and their birth family are maintained.
- 1.2 It can meet the needs of a significant group of children who need a sense of stability and security but who do not wish to make the absolute legal break with their birth family that is associated with adoption. It also provides an alternative for achieving permanence in families where adoption, for cultural or religious reasons, is not an option.
- 1.3 A Special Guardianship Order offers greater stability and legal security to a placement than a Child Arrangements Order and can be a positive permanency option for a child or young person as an alternative to long term fostering.
- 1.4 Special Guardians have parental responsibility to make day-to-day decisions concerning the welfare of the child or children. If the child is a looked after child, the granting of the Special Guardianship order will replace any existing order. If this is in respect of a Care Order being rescinded, then Kirklees Council will no longer hold parental responsibility.

### **2. Legal Context**

- 2.1 Special Guardianship is a legal status introduced as part of the implementation of the Adoption and Children Act 2002. Special Guardianship is appropriate for:
  - Older children who do not wish to be legally separated from their birth family but who would benefit from greater legal security and permanence.
  - Children in long term foster care or those who are cared for on a permanent basis by members of their wider family.
  - Children and carers who have cultural and religious difficulties with adoption as set out in law.
- 2.1 A Special Guardianship Order gives the Special Guardian enhanced Parental Responsibility for the child. Unlike adoption, under a Special Guardianship Order the birth parents remain the child's parents and retain parental responsibility, whilst this is shared with the child's parents, the Special Guardian has, the ability to exercise this responsibility without seeking permission from the parents.

- 2.2 The Special Guardian has clear responsibility for day to day decisions about caring for the child and may exercise parental responsibility to the exclusion of others in all but a few circumstances for example change of surname or consent to adoption. Unlike Adoption, a Special Guardianship Order can be varied or discharged by application to the Court, although parents must demonstrate a significant change in their circumstances and have leave from the Court to apply.
- 2.3 Special Guardianship Orders can be made during any family proceedings using the welfare of the child as the paramount consideration. Orders can be made on private law application when the Local Authority must provide a report about the suitability of the applicants. For Looked After Children the granting of a Special Guardianship Order has the effect of discharging the child from Local Authority care. If the child has been previously looked after the Local Authority has a duty to undertake an assessment for Special Guardianship support services when requested by the Special Guardian, the parent, or the child.
- 2.4 A Special Guardianship Order provides stability and legal security to a child providing the carer with a greater level of parental responsibility. Although long term foster care is an important means of providing a family for Looked After Children who cannot be reunited with their own family, it does not provide legal permanence.

For further details about Special Guardianship as a permanence option for Looked After Children, see [Permanence Planning Guidance \(proceduresonline.com\)](http://proceduresonline.com) .

<https://www.legislation.gov.uk/ukxi/2005/1109/contents/made>  
<https://www.gov.uk/government/publications/special-guardianship-guidance>

### **3. Purpose and Function of a Special Guardian**

- 3.1 Special Guardians play a positive role in providing nurture and care to a child who is unable to reside with their birth parents. Special Guardianship provides children with security throughout their childhood and beyond and can be a successful and more realistic option for a child who requires permanence and stability but for whom severance of ties to birth family is not an option.
- 3.2 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.
- 3.3 Any person making an application for a Special Guardianship Order must give three months' written notice to their local authority of their intention to apply. In relation to a Looked After Child, the notice will go to the local authority looking after the child. In all other cases, the notice will be sent to the local authority

for the area where the applicant resides. The local authority receiving the notice will then have a duty to provide a report to the Court.

- 3.4 The only exception to the requirement for three months' notice is where the Court has granted leave to make an application and waived the notice period.
- 3.5 Where the local authority has received notice from an applicant or a request for a report from the Court, it should send written information about the steps it proposes to take in preparing the report to the prospective Special Guardian and the parents of the child in question. This should include information about Special Guardianship Support Services.
- 3.6 Once notice has been received that an application for a Special Guardianship is to be made, the notice should be passed to the allocated social worker or, if the child is not previously known, arrangements must be made for the case to be allocated to a social worker.
- 3.7 The social worker or social workers preparing the Court report should be suitably qualified and experienced. There are no specific requirements as to the level of qualification or experience required and it will be for the manager of the relevant social work team to ensure that the allocated worker is competent to write the report. The Team Manager will be required to gatekeep and authorise the report.

#### **4. The Responsibilities and Requirements that a Special Guardianship Order bestows on the Special Guardian**

- 4.1 The Special Guardian will have enhanced Parental Responsibility for the child and, subject to any other order in force, will have clear responsibility for the day-to-day decisions about caring for the child to the exclusion of anyone else who might have Parental Responsibility (apart from another Special Guardian).
- 4.2 The child's parents will continue to hold Parental Responsibility but their exercise of it will be limited. The parents will, however, retain the right to consent or not to the child's adoption or placement for adoption. The Special guardian must also take reasonable steps to inform the parents if the child dies.
- 4.3 In addition, there are certain steps in a child's life which require the consent of everyone with Parental Responsibility or the leave of the court, for example:
  - Causing the child to be known by a different surname; or
  - Removing the child from the United Kingdom for longer than three months.
- 4.4 The court may, at the time of making the Special guardianship Order, give leave for the child to be known by a new surname and/or to be removed from the United Kingdom for longer than three months, either generally or for specified purposes.

- 4.5 The local authority will indemnify the Special Guardian(s) in respect of the reasonable costs of opposing any future Section 8 application by any birth parents. This will be dependent on the local authority agreeing with the Special Guardians opposition to the Section 8 request and will also be dependent on the circumstances of the situation at the time as assessed and evidenced by the Social Worker.
- 4.6 Any potential conflict regarding contact between birth parents and children should be addressed in the initial Special Guardianship assessment. Where tensions arise at a future date these should be raised with the local authority Connected Persons Support Team duty worker to assess the approach to be taken including opposition to any Section 8 application.
- 4.7 For the avoidance of doubt, a child is any child or young person under the age of 18 years.

## 5. Who is Eligible to Apply and how do they Apply

- 5.1 Applications for Special Guardianship may be individual or joint. Joint applicants do not need to be married but must be able to demonstrate that they are in a secure and stable relationship. Special Guardians must be 18 or over and must not be a parent of the child in question. **Please see 'Applications for Special Guardianship Orders' for both looked after and non looked after children: [Applications for Special Guardianship Orders \(proceduresonline.com\)](http://proceduresonline.com)**
- 5.2 Subject to giving notice to the relevant local authority, the following people are entitled to apply for a Special Guardianship Order without needing to first seek the leave of the court:
- Any guardian of the child.
  - A local authority foster carer with whom the child has lived for 1 year immediately preceding the application (as per our procedure "Applications for Special Guardianship Orders").
  - Anyone who holds a Child Arrangements Order with respect to the child, or who has the consent of all those in whose favour a Child Arrangements Order is in force; Anyone, with whom the child has lived for three out of the last five years; A relative with whom the child has lived for a period of at least 1 year immediately preceding the application.
  - 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.
  - Any other person, aged 18 or over (other than a parent) may apply for a Special Guardianship Order if he or she has the leave of the court to make the application.
  - Any person, including the child, who has the leave of the court to apply.

## **6. The Preparation and Pre-Assessment Process**

- 6.1 In the case of non-agency ('Private') applications, once a Social Worker has been allocated to undertake a Connected Carers assessment (with a referral through Duty and Advice to ensure documentation on Liquid Logic), an initial visit will be undertaken to the carers within 10 working days. The allocated social worker should have, prior to this initial visit, contacted the Connected Persons Support Team to ensure they are aware of the potential for an SGO assessment to be undertaken and to discuss the appropriateness of a joint visit being undertaken to the carers to explain aspects of support available in further detail.
- 6.2 The purpose of the initial visit is for the allocated social worker to gather more information about the context of the application and to establish whether it is an appropriate legal option for the child. A Connected Persons Support Team worker may also accompany the social worker to the initial visit to ensure that carers are given any relevant information about the SGO process and that that are made aware of any support they can access during the assessment process. An SGO Support Pack is provided to all prospective Special Guardians.
- 6.3 Before the assessment, the prospective carers should be provided with full information about:
- i. What the assessment will involve:
    - A series of home visits from the allocated social worker (and on occasion a Connected Persons Support Team worker) to explore the carers suitability to be a Special Guardian; this will include the carers own childhood experiences, any significant relationships, their parenting experiences, their understanding of any risks to the child and the child's individual needs, their financial / housing situation, support networks, impact on their own family life, ability to manage family time arrangements, employment history, any significant health needs, any previous social work involvement relating to their own children.
    - Statutory checks – this will include checks relating to child protection issues, criminal convictions, and medical history.
    - The allocated social worker having discussions with the child subject to the application and any of the carers birth children (regardless of age) to gain their wishes and feelings about the proposed application.
    - Interviews between the allocated social worker and three non related character references (identified by the carer) and the carers employer.
    - Interviews between the allocated social worker and any ex-partner with whom the carer has had children with (dependent upon the circumstances surrounding the separation).
  - ii. The time and commitment needed from them; The process may take up to 12 weeks and will require the carer to be available for assessment visits

- and to agree to the undertaking of relevant statutory checks being undertaken.
- iii. The expectations of them in caring for the child until 18; including meeting family time arrangements, any educational or developmental needs; health and emotional needs
  - iv. Any financial support carers are entitled to should be discussed with them; including exploration of their finances and any additional costs they may incur as part of providing care for the child.
  - v. See 'Court Reports in Adoption and Special Guardianship' Section 3 for full details of this process  
[https://kirkleeschildcare.proceduresonline.com/g\\_court\\_rept.html](https://kirkleeschildcare.proceduresonline.com/g_court_rept.html)

## **7. The Assessment and Assessment Process**

7.1 Where a full assessment of a relative or connected person is undertaken, it is to be expected that this will usually require a three-month time scale.

7.2 Assessments should be evidence-based and child-focussed. Please see section 6 for what to expect during the assessment process.

7.3 The assessment should carefully balance the strengths families may have; any existing relationships they have with the child and the significance for the child of remaining within their family and network, against the carers' capacity to meet the assessed needs and the challenges that a particular child may bring on a long-term basis and until they are 18.

7.4 The social worker or social workers preparing the Court report should be suitably qualified and experienced and have Team Manager oversight by a qualified and experienced Team Manager.  
In all cases there will need to be:

- An assessment of the current and likely future needs of the child (including any harm the child has suffered and any risk of future harm posed by the child's parents, relatives or any other person the local authority considers relevant);
- An assessment of the prospective Special Guardian's parenting capacity including:
  - i. Their understanding of, and ability to meet, the child's current and likely future needs, particularly any needs the child may have arising from harm that the child has suffered.
  - ii. Their understanding of, and ability to protect the child from any current or future risk of harm posed by the child's parents, relatives, or any other person the local authority consider relevant, particularly in relation to contact between any such person and the child.
  - iii. Their ability and suitability to bring up the child until the child reaches the age of eighteen.
  - iv. An Assessment of the proposed contact arrangements and the support needs of the child, parents, and the prospective Special Guardian.

- 7.5 The assessment of the applicants should include their medical history, the references received, and the Disclosure and Barring Service and other statutory checks undertaken for the assessment.
- 7.6 The prospective carers should have time to read the assessment report before it is filed and be given the opportunity to comment on the report and to seek legal advice on the contents of the report and the appropriateness of the support plan prior to it being filed before the court.

## **8. Looked After Children**

- 8.1 If the child is Looked After and the application has been agreed as part of the child's permanence plan, the assessments will usually have been undertaken and the outcomes agreed as part of the permanence planning for the child in line with the Child Looked After Reviewing process. This will be led by the children's allocated Independent Reviewing Officer who will have co-ordinated the views of all relevant and significant people within the child's life.
- 8.2 Where a child is subject to care proceedings, alternative potential carers for the child should be identified at an early stage – including through pre-proceedings where possible and by convening a Family Group Conference. In the first instance, families should be supported to identify potential carers within their personal network to enable children to remain within their birth families where it is safe to do so.
- 8.3 However, there is recognition that some applicants may be identified, or come forward, late in proceedings and the court will need to give careful consideration with regard, to a possible extension of the 26-week timescale.
- 8.4 The child's Looked After Review should make a recommendation regarding the outcome of the Care proceedings for the child's Care Plan and this should be approved at Permanence Panel and the final care plan subsequently signed off by the relevant Service Manager before being filed to court.

## **9. Children not Looked After**

- 9.1 Where a child is not Looked After, and the application is being considered as part of a private arrangement the applicant is required to notify the department of their intention to pursue a Special Guardianship Order (often called a private Special Guardianship arrangement, see point 6.1 above). Where a child has an allocated social worker already, this notification should be provided to them.
- 9.2 In circumstances where the child does not have an allocated social worker the notification should be provided to Duty and Advice 01484 221000 (as per point 6.1) whose responsibility it will be to notify the Connected Persons Assessment team that a Special Guardianship Assessment is required.

- 9.3 The Connected Persons Assessment Team will allocate the case to a qualified Social Worker to commence the required statutory checks and complete the full Connected Carers Assessment and any subsequent support plan within three months. A member of the Connected Persons Support Team will accompany the Social Worker on a joint visit to the applicants to discuss any potential support which may be available to them beyond the making of the SGO.
- 9.4 The allocated social worker for the child will usually be a social worker from either an area Assessment and Intervention team or a Child Looked After team (dependent on the status of the child). The role of the allocated social worker is to focus on the needs of the child and to ensure that any application for a Special Guardianship Order meets their needs. The full Connected Carers Assessment will be completed by a Social Worker from the Connected Persons Assessment Team who hold case responsibility for the SGO applicant/s.

## **10. The Court Report, the Court Process and the making of a Special Guardianship Order**

- 10.1 Once the full Connected Carers Assessment report and Support Plan has been completed by the Connected Persons Assessment Team Social Worker in partnership with the Special Guardian/s, it should be shared with the prospective Special Guardian/carers to ensure that they are content with the detail including the proposed SGO Support Plan.
- 10.2 The Special Guardian is strongly advised to seek their own legal advice and the local authority will provide financial support to carers to enable them to access a single appointment with a solicitor should they wish to do so. The Special Guardian/s may also be invited to be party to proceedings which the Local Authority will fund their representation at the Case Management Hearing (CMH) and/or final hearing. Carers can also make contact, with 'Kinship' a national charity supporting kinship carers via their website <https://kinship.org.uk> or through calling their helpline on **0300 123 7015 (Monday to Friday 9.30am to 2pm)**.
- 10.2 Once the prospective Special Guardian/carer has indicated that they are content with the Support Plan it is the child's allocated social worker's responsibility to ensure that any support which requires the local authority to provide financial assistance to the placement (in line with the local authority's SGO Financial Policy) has been referred to Permanence Panel and appropriate agreement sought.
- 10.3 In the case of private proceedings, it is the carers SGO application, and it is their responsibility to complete the necessary paperwork and submit this to court. The local authority will reimburse carers with any administration costs associated with this initial application. In the case of looked after children subject to care proceedings, the Local authority's application will be to apply

for discharge of the care order and invite the court to make an SGO. The Special Guardian will have already submitted their application for an SGO as part of the proceedings.

## **11. The Provision of Financial Support**

### **11.1 Welfare Benefit Checks**

- Special guardians must be helped to access any benefits to which they are entitled; this will usually include child benefit and tax credits. Carers will be referred for welfare benefits advice as part of their assessment in order to ensure that they are utilising all available benefits to them prior to and beyond the making of an SGO.

### **11.2 Means Testing**

- For non-agency SGO applications, where the carer is not in receipt of means tested benefits, they will require a means test to be undertaken to inform their eligibility for any long term financial support from the department.
- It will be the responsibility of the social worker undertaking the assessment in the Connected Persons Assessment Team to gather the documentation required to inform the means test prior to the support plan being completed. The social worker will be required to pass such information to the CPA Finance team for them to carry out the means test. This will be prioritised by the CPA Financial Team given it is an initial application for the Court. The calculated amount will be sent to Kirklees Council's placement permanence and support service (PPSS) for verification. Once verification has taken place a letter will be sent to the carers notifying them of the proposed financial allowance and how this was calculated.
- The means test model is a regional model which is used to determine the amount of financial support a carer is entitled to. Guidance on the means test model can be found in appendices.

### **11.3 Ongoing Support**

- Government guidance says that special guardianship arrangements should not fail just because of financial problems. Financial support should be paid to help secure a suitable arrangement where this is not possible because of a financial obstacle.
- The local authority must take account of any other grant, benefit, allowance, or resource available to the person in respect of his needs as a result of, becoming a Special Guardian of a child. Financial support cannot duplicate any other payment available to the Special Guardian.
- Where a child has been Looked After and an SGO is applied for in line with the child's permanence plan, the ongoing child element (allowance) will be

paid until the child is 18 years old, this will not be means tested and the rate will no longer reduce over a period, of time

- Carers will receive the child element (allowance) equivalent to the Fostering allowance at the point where the SGO is made. This amount will increase in line with the allowance age bands
- Where carers are in receipt of a skills payment, this will be paid at the rate they received at the point where the SGO is made. This amount will be fixed at this point and not increase further.
- The annual means tested financial assessment will be waived, but an annual review of circumstances would remain to check the child is still living with their Special Guardian and to identify if there are any additional support needs for the family.
- Child Benefit will be deducted at source as Special Guardians are able to claim this in their own, right when the SGO is made.
- Child Tax Credit will not be deducted at source for Special Guardians of children who were previously Looked After.
- In these situations, payments will be made equivalent to the fostering maintenance allowance in order, to secure and maintain permanence for the child or young person.
- The carer will be financially assessed (means tested) and a benefit check will be carried out to determine the level of financial support needed. The Special Guardianship Regulations 2005, state we are unable to waive the means test in these situations.
- Annual Reviews will be undertaken to ensure these SGO's continue to receive the level of financial support they need
- Skills payments in these situations are not applicable as the SGO has not been approved as a foster or kinship carer.
- Child Benefit and Child Tax Credits will be deducted at source as part of the financial assessment.
- Annual celebration allowances are the same as for previously approved foster carers, outlined above.
- In situations where there are extenuating circumstance and the changes outlined may cause hardship for SGO carers, we will look at the impact on a case by case basis via the External Placement Panel.
- Please see FN16 document in appendices for detail of SGO allowances for each age category.

#### **11.4 One Off or 'Off Policy' Support**

- The provision of one-off or ongoing financial support should always be set out in the Special Guardianship Support Plan and any conditionality, or end date/review date clearly set out. Any request for one off financial support should be considered by the Permanence Panel prior to the SGO support plan being filed to the court.

One off or 'Off Policy' requests should be subject to a financial assessment and a clear needs assessment in which the specific needs of the child and carer are considered, and a clear rationale provided as to why the financial support is required to support the placement. This should include what alternative means of support have been considered, why they are not appropriate and what the likely impact would be on the child if the support was not provided.

- The provision of one off or 'off policy' financial support should not be open ended and should have a review date when the request should be returned to the Permanence Panel for further consideration. Where the Special Guardian experiences a change of circumstances, they should notify their allocated Connected Persons Support Team worker (if they have one) or inform the placement permanence and support service (PPSS) about the change. This should, in most situations, trigger a review of the Financial assessment of which the outcome would need to be endorsed by the Early Help Service Manager/permanence panel.

#### **11.5 One Off Costs**

- The principles regarding one-off costs should be that they enable the family/household to accommodate the child and enable them to be welcomed into and to be a part of the family. Consideration should be given to items such as beds, bedroom furniture, bedding, a homework desk, study items and materials etc. The item/s requested should be of a value/level that is commensurate with the circumstances of the family.

#### **11.6 Reviewing Financial Support**

- In circumstances where a Special Guardian has been in receipt of a means tested allowance and their financial circumstances significantly change, they will be required to make contact with the department to request a review of their financial support arrangements. They would do this by contacting the placement permanence and support service (PPSS) on 01484 221000 and asking for CPAT Duty or by emailing [ppssfinancialassessmentreviews@kirklees.gov.uk](mailto:ppssfinancialassessmentreviews@kirklees.gov.uk) who will subsequently arrange for a review of their finances to be undertaken. The type of review undertaken will be dependent upon their new financial circumstances.
- It is the responsibility of the Special Guardian to notify their allocated Connected Persons Support Team worker if their financial circumstances

change. A delay in providing this information may cause an overpayment. Where an overpayment is made in these circumstances the Special Guardian will receive written notification that this has occurred, and arrangements will be made for recuperation of the overpayment from the Special Guardian.

- Where an off-policy decision requires review to determine whether it continues, the Special Guardian will be responsible for making contact with the Connected Persons Support Team on 01484 221000 to raise a request for consideration.
- A member of the Connected Persons Support Team will take responsibility for gathering the necessary information from the Special Guardian and the request will need Team Manager and Service Manager endorsement before being submitted to Permanence Panel.
- Once the item has been considered at Permanence Panel the Special Guardian will receive a letter within 14 days detailing the decision made and the reasons for this.
- In circumstances where there is a request for additional financial support this will be considered by the Chair of External Placement Panel (EPP) and chair of Permanence Panel (PP).

### **11.7 Private Special Guardianship Order Assessments**

- There may be occasions where the Local Authority is asked to complete a Special Guardianship Order Assessment as part of a private application/private proceedings.
- As part of this assessment, a financial assessment should be undertaken to inform the overall recommendations and conclusions.
- Case law outlines expectations regarding allowances in the below circumstances: [Family Law Week: London Borough of Southwark v D \[2007\] EWCA Civ 182](#)
- A means tested allowance should be paid by the Local Authority if:
  - The Local Authority have had some involvement with the children subject to the Special Guardianship Order application, and by the applicants applying for the SGO it resulted in the children not needing to become Looked After; or
  - If the Local Authority have been part of placing the children with the applicants
- If the Local Authority have not had any involvement then it would be Local Authority discretion/ exceptional circumstances.

## **11.8 Permanence Panel**

- For first time agency applications, the child's social worker will be required to present the completed SGO report and SGO support plan to Permanence Panel prior to it being filed to court to ensure there has been appropriate scrutiny of the proposed permanence plan for the child. The relevant documents should be provided to the panel administrator within the agreed timescale prior to the panel taking place to enable panel members to familiarize themselves with the proposed plan and prepare any questions. It is also important that the carer has had sight of the SGO report and the proposed support plan prior to the panel to enable them to make any comments and ensure that they are content with the support being requested. The allocated social worker and supervising social worker and in more complex cases, a team manager will be required to attend panel to discuss the proposed plan.
- The panel is usually chaired by a Head of Service and consists of representatives from the area social work service, child looked after service, kinship and the Independent Reviewing team. Representatives are required to be at Team Manager or Service Manager level unless otherwise agreed by the chair of panel.
- The discussion held by panel and the subsequent decision will be minuted and should be communicated to the social worker that submitted the request by a panel representative within seven working days. The carer will receive written notification of the outcome of panel within 14 days including the reasons for the decision and detailing what steps they can take if they are unhappy with this.

## **12. Special Guardianship Support**

These services are there to promote and support the placement of the child or young person with the Special Guardian. In Kirklees this means that the Local Authority will meet with you at the beginning of the assessment to discuss your needs for Special Guardianship support. This is then usually followed up by further meetings where a final support plan will be drawn up and agreed and then presented to the Court.

Regulation 9 states that financial support ceases to be payable to a Special Guardian or prospective Guardian if:

- The child ceases to have a home with the Guardian
- The child ceases full-time education or training and commences employment.
- The child qualifies for Income support or jobseekers allowance.
- The child reaches the age of 18 unless the child continues in full time education when it may continue until the end of the training or course.

### **12.1 Family Time:**

It is recognised that where children have previously been Looked After the Special Guardianship family may have had support from the local authority with managing family time arrangements. In circumstances where there is an assessed high level of risk or potential significant placement disruption as a result of family time arrangements, the local authority Connected Persons Support Team are able, to provide support to carers to assist them to facilitate and/or supervise family time in a safe and positive way for the child. This is kept under review in line with the annual SGO Support Plan. We have Family Time Workers attached to the Team

## **12.2 Therapeutic Support:**

Many children who become subject to an SGO have experienced trauma and loss at some stage within their early childhoods and this can have a significant impact upon their emotional, social and behavioral development, particularly during adolescence. It is common for carers to struggle to know how best to respond to children who exhibit difficulties with behaviour, and therapeutic input can help with this, either directly with the child or through work with the carer or a family approach. The Connected Persons Support Team worker will discuss such support needs with the Special Guardian to determine any appropriate behavioural or therapeutic support and agree consent for any referrals to be made such as to the Multi-Systemic Therapy Team or the Placement Support Team.

For children who have previously been Looked After it may be possible for them to access therapeutic intervention through the Adoption Support Fund. This is a national fund which provides money to children placed within SGO arrangements to enable them to access therapy. To determine whether a child qualifies for support via the adoption support fund an assessment is required, and this would usually be completed by the Connected Persons Support Team worker at the request of the carer or a professional working with the family. Referrals for an adoption support fund assessment can be made via the Connected Persons Support Team duty number **01484 221000**. **This would be the Early Support Team**

Please see appendices for further information on the Adoption Support fund.

Kirklees Council has its own therapeutic Placement Support Team who can provide support to carers through their Emotional Well-being Formulation Clinics The EWB formulation clinic provides Special Guardians with an opportunity to discuss their circumstances and better understand their child's emotional and behavioral development and respond to their needs using therapeutic parenting strategies. All applications to the Adoption Support Fund will need to go via the Emotional Well-Being Formulation Clinic to determine the relevant therapeutic support that is required. The Connected Persons Support Team worker should request the EWB Formulation Clinic slot from the Placement Support Team with the full consent of the Special Guardian, and the young person where appropriate.

Where children do not qualify for the adoption support fund (not previously looked after) it may be possible for families to access therapeutic interventions via Early Help Services.

Families are also able to access parenting support, such as MST (Multi systemic therapy), Mockingbird, or signpost intervention through Early Support Services/Panel (ESMAP).

Please see appendices for further information about the provision of early support in Kirklees.

### **12.3 Family Group Conferencing:**

All Carers should be offered a Family Group Conference as part of the SGO assessment process to allow them to identify individuals within their personal network who may be able to provide them with support as a Special Guardian. The Family Group Conference service will allocate a coordinator to the family who will work with them to identify any potential support needs and the family, friends, or professionals who they may wish to be involved in any plans to provide such support. There is an expectation that once the family have coordinated their family plan this will be incorporated into the final SGO support plan and will inform the plan of support to the placement in the longer term. The SGO plan is reviewed annually. FGC is also available post SGO to re-visit the family plan or devise a new one.

### **12.4 Support Groups:**

The Kirklees SGO Support Group meets on a monthly basis and is coordinated by staff from Kirklees Connected Persons Support Team. The group provides the opportunity for SGO carers to develop supportive peer networks with other families in similar circumstances. On occasion, professional guest speakers will also attend the meetings to provide support, advice and information on a range of topics related to special guardian families. Once the SGO is made, Special Guardians will be sent the dates and details of support meetings to enable them to attend if they wish. There is also a monthly children's support group where the children can meet and partake in activities and have the opportunity to attend different organised events.

### **12.5 Special Guardianship Support Workers:**

Kirklees Council Connected Persons Support Team have a small number of workers dedicated to providing Special Guardianship support. If you feel you or your family require additional support to that detailed within the SGO Support Plan please contact the Connected persons Support Team duty line on **01484 221000** and somebody will look at the detail of your request and work with you to formulate the most appropriate way forward to ensure you receive the support, you require. In some cases, this will result in you being allocated a worker from the SGO Support Team. If your query is more straightforward or it is felt that another service would be better able to meet

your needs, we will work with you to ensure the appropriate referral to that service is made.

## **12.6 The Special Guardianship Support Plan:**

A Special Guardianship Support Plan will need to be provided around the time of filing the Special Guardianship Order report and its recommendation, detailing the support to be provided to the prospective Special Guardian/carers and the child. This should be completed by the Connected Persons Assessment Team social worker with support from the child's social worker following discussions with the carers, the child and birth parents if appropriate. It should clearly detail any support to be provided to the Special Guardian/carers throughout the duration of the child's life. Special Guardians are entitled to a review of the SGO Support Plan on an annual basis but it remains their responsibility to pursue this if they feel the original Support Plan no longer meets their needs.

The prospective Special Guardian/carer/s should be given the opportunity to seek independent legal advice to understand fully the implications of any orders made, ensure that they are content with the proposed Special Guardianship Support Plan and if need be, make applications of their own. The local authority will usually provide financial support to a potential Special Guardian/carer/s to access a single session with a legal representative at legal aid rates. Consideration would be given, on a case by case basis, to further financial support being made available if circumstances were exceptional and additional legal advice was required beyond this one off appointment. This could include those potential Special Guardian applicants who have been made party to proceedings. This would need to be agreed by the relevant Head of Service or via a referral to Permanence Panel.

## **12.7 Changes of Circumstance and Reviewing the Special Guardianship Support Plan:**

The SGO Support Plan can be reviewed on an annual basis, at the request of the carers, if they feel the current one no longer meets the family's needs. In order to request a review of the SGO Support Plan, Special Guardians should contact the Connected Persons Support Team on 01484 221000 and ask for the Connected Persons Support Team duty worker or via email [connectedpersonssupportteam@kirkleescouncil.com](mailto:connectedpersonssupportteam@kirkleescouncil.com) and their request will be allocated to a worker within the Connected Persons Support Team to undertake the review.

Upon completion of the revised SGO Support Plan, it will be the allocated workers responsibility to ensure that the appropriate referrals for support have been made prior to closure. In circumstances where an amendment requires additional financial support this will need to be referred to Permanence Panel for agreement.

In addition, Special Guardians are entitled to a review of the SGO Support Plan at key transitional points in the child's life. These being transition to

Primary and Secondary School and a house move outside of the family's local area, for example.

## **12.8 Changes, Variations and Discharge of a Special Guardianship Order:**

A Special Guardianship Order can be varied or discharged on the application of:

- The Special Guardian (or any of them, if there are more than one);
- The local authority in whose name a Care Order was in force before the Special Guardianship Order was made;
- Any person who is named in a Child Arrangements Order as a person with whom the child is to live;
- With the leave of the court:
  - Any parent or guardian of the child;
  - Any step-parent who has Parental Responsibility;
  - Anyone who had (but no longer has) Parental Responsibility immediately before the Special Guardianship Order was made;
  - The child (if the court is satisfied that the child has sufficient understanding to make the proposed application).

Where the applicant is not the child and the leave of the court is required, the court may only grant leave if there has been a significant change in circumstances since the Special Guardianship Order was made.

The court may during any family proceedings in which a question arises about the welfare of a child who is subject to a Special Guardianship Order, vary or discharge the Order in the absence of an application.

Young people who are deemed Qualifying Children and Young People (Qualifying Care Leavers), are entitled to advice and assistance from Children's Services. The SGO Support Plan will set out how the young person can access the Kirklees Leaving Care Team's Duty Service should they require support once they are over 18 years old