

Special Guardianship Orders

The Special Guardian report is a statutory requirement for a Local Authority who has been given notice of intention to make a SGO application. The content of the report is prescribed in the Schedule to the SGO Regulations, in addition to s 14A (8) - *the suitability of the applicant and any other matter which the LA considers to be relevant*. The report is required before a court can make a SGO.

It is very important that within any assessment there is a proper and robust analysis, not only of the suitability of the carer(s,) but also of the form of Order that best meets the welfare of the particular child or children concerned. The report should address all the available options for the Court including the 'no order' principle.

Financial Support for Special Guardians

The assessment for support services is governed by regulations. Financial support is one of the support services which may be available to special guardians. SCT's approach is informed by paragraph 37 of the SG Guidance which states "financial issues should not be the sole reason for the special guardianship arrangement failing to survive. The central principle is that financial support should be payable in accordance with the Regulations to help secure a suitable guardianship arrangement where such an arrangement cannot be readily made because of the financial obstacle".

In order to make best use of its resources, SCT gives priority to supporting children and families where the child has been looked after. It should be made clear to applicants that the provision of financial support is not to maintain their current standard of living. Caring for any child by its very nature will make demands on income and is part of the financial responsibility that an adult with parental responsibility assumes for a child.

Any financial support provided by the Local Authority must complement and not duplicate any other financial support being provided for the child; either through state benefits, tax allowances or the financial contributions made by the birth parents or other family members.

The allocation of resources needs to be done consistently having regard to the demands on the authority's resources and the need of other families and therefore decisions are made by manager and panels and not allocated social workers; means tests are applied; any regular payments will be subject to periodic review.

a) Where the child is looked after by the Local Authority

SCT is under a duty to carry out an assessment of the need for support for children who are looked after immediately prior to the making of the Special Guardianship Order (Reg11). This will include a financial assessment.

b) Where the child is not looked after immediately before the making of the Special Guardianship Order

In such circumstances the local authority has discretion as to whether it will undertake an assessment for special guardianship support, including financial support. In exercising that discretion the local authority will make a decision on whether to conduct such an assessment (14F (3)) on a case by case basis and after the completion of the Special Guardianship Report (s14A (8)).

The Statutory Guidance makes it clear (para 51) that children who are not looked after should not be unfairly disadvantaged by the distinction between the mandatory assessments of looked after children and the discretion to assess others.

Decisions will be made on a case by case but assessments will not normally be carried out where:-

- i) the child is not assessed to be at risk *or at risk of becoming*, a child in need
- ii) or in those cases where the placement appears to have been made primarily for family convenience or in an attempt to gain financial, housing, immigration or other similar advantage
- iii) or where the application for special guardianship appears to have been made primarily to shift the responsibility for maintaining the child from the parents to the Local Authority.

Where a stand-alone application has been made for a SGO the child will often have been living with the applicants for an appreciable length of time and the Local Authority should consider whether any financial or other difficulties have been suffered as a result of the placement having been made without access to support services. The Local Authority has limited resources and access to services must be targeted at vulnerable children and families, not provided simply on the basis of the legal framework underpinning their living arrangements.

If an assessment is carried out the local authority will bear in mind that the Regulations permit payment of financial support ONLY where the LA consider it necessary to ensure that the SG can look after a child or the child has special needs which require extra expenditure (reg.6(2)).

The Local Authority will give reasons in writing to the carers:

- a. For the decision to undertake or refuse an assessment.
- b. If an assessment is undertaken the reason for offering or refusing support and if support is offered the type of support offered and the reasons for refusing any specifically requested support.

- c. Allow a reasonable opportunity to make representations in relation to that decision.