**Reporting to Court – the process**

The prospective Special Guardian(s) must give three months’ written notice to the local authority that they intend to apply to the court for a Special Guardianship Order.

Regardless of where they reside, if the child is in our care, the prospective Special Guardian(s) should notify us officially using a *‘Notice of Intent to Apply for Special Guardianship’* form.

While the statutory period for the preparation of the court report is 3 months, if we consider that this is inadequate for the necessary advice and reflection to take place, the applicant should be advised to delay their application to allow sufficient time. If the application has already been made then submissions to the court will be necessary to ask for more time.

The report uses the domains of the Assessment Framework Triangle.

All applicants are expected to have enhanced Disclosure and Barring Service (DBS) checks, and Local Authority databases should be checked, with any issues arising being followed up. Information about the prospective Special Guardian, which must include: the applicant’s background history, education, employment, parenting capability and experience; their relationship with the child and family; the proposed contingency plans should the arrangement break down.

Support issues must also be considered. While the health of all applicants must be considered by a Medical Practitioner, in non CIC cases the applicant is not expected to undertake an Adult Health Medical. There is a Letter to GPs in non CIC SGO applications to cover the health of applicants.

Where the child is not previously known, the *Notice of Intent to Apply for Special Guardianship* should be sent to *the Adoption Service, The Stable Block, Oakwood House, Maidstone*.

In other cases it should be sent to you.

No less than three-months after giving notification to the local authority the applicants should make their formal application at the Court. The Court which made the Care Order if this is the case.

The Report to the Court should be submitted when written notification is received by the social worker from the Court.

**Provision of support**

Under the regulations support may be financial or:

1. Services to enable:

* Group work with children for whom a Special Guardianship Order is in force or being formally considered;
* Special Guardians (or prospective Special Guardians) and the child’s parents to discuss matters relating to Special Guardianship, including contact (at Family Group Meetings or Family Group Conferences)

1. Assistance, including mediation services, in relation to contact between the child and their parents or relatives or any other person with whom the child has a relationship that the local authority considers to be beneficial to the welfare of the child.
2. Services in relation to the therapeutic needs of the child.
3. Assistance for ensuring the continuance of the relationship between the child and Special Guardian, including training to meet any special needs.
4. Respite care.
5. Mediation in relation to matters relating to the Special Guardianship Order.

Consideration should be given to any support needs by the writer of the court report, and set out in the Special Guardianship Support Plan, which must be given to the prospective Special Guardians for consideration and confirmed. Services as listed above, and financial support, can be included on the plan and discussed with the prospective Special Guardians only when confirmed by the Area Resource Panel.

KCC’s contact services provider must be consulted about contact arrangements which are to be set up post order, and must be notified before the proposals are put before the court.

The needs of birth relatives, including siblings, for contact support should be assessed using the appropriate format *Birth Relatives Contact Needs Assessment.*

If the assessment demonstrates a need for practical support, e.g. ongoing therapeutic needs, ongoing advice, the Adoption Service Post Adoption and Special Guardianship Support Team should be consulted and they should be involved in drawing up the plan.

For children who are not currently, or have never been in care, an assessment may be done on request. If the child was not in care at the point the order was granted then KCC is responsible for children resident in Kent if the social worker considers it necessary for an assessment of support needs to be done.

The Area Resource Panel will need to agree in principle that the child’s needs and circumstances, and those of the Special Guardians, warrant assessment for financial support, prior to a Means Test being initiated.

**Post order assessments**

If the child was in care immediately prior to the order being granted, and a request is made for an assessment of support needs by the child, a Special Guardian or a parent of the child, the request for assessment **must** be complied with.

In other cases the support assessment is discretionary, but requests for assessment should also be considered if made by another child of the Special Guardian, or anyone with a significant ongoing relationship with the child.

If the child was in the care of another local authority, but the Special Guardians reside in Kent, then responsibility for support remains with the local authority of origin for 3 years after the order is granted.

Responsibility for Children in Care with KCC is retained for 3 years if the Special Guardians live, or move, outside Kent. This cut-off period for support does not apply to financial support agreed prior to the order being granted.

There are two more procedures in a nutshell:

* SGO overview procedure
* The SGO Support Plan

**Important: Do not use any other Special Guardianship procedures on TriX. These will be updated in March next year.**

**Geoff Gurney**

**Interim Assistant Director for Corporate Parenting**

**July 2015**

**Email me if you found this procedure in a nutshell helpful.**