

## Special Guardianship Order and Support Policy

### SCOPE OF THIS CHAPTER

This Policy sets out the intentions of Norfolk County Council Children's Services in using Special Guardianship as a permanency option and the circumstances in which it will be used and what support will be given to children, young people, special guardians and birth families to maximise positive outcomes for all concerned.

### AMENDMENT

This is the first iteration of the Special Guardianship Order and Support Policy. It will be due for amendment/Review in May 2018.

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## 1. Introduction

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Norfolk County Council Children's Services seeks to achieve permanence for all children and young people in care and special guardianship is one of several permanency options available.

Special Guardianship is a type of permanent placement for children and young people. It is a legal status that offers greater security than long-term fostering but without adoption's absolute legal severance from the birth family.

The making of a Special Guardianship Order is intended to:

- a) give the carer clear responsibility for all aspects of caring for the child and for taking decisions to do with their upbringing
- b) provide a firm foundation on which to build a lifelong permanent relationship between the child and their carer
- c) be legally secure
- d) preserve the basic link between the child and their family
- e) be accompanied by access to a full range of support services including, where appropriate, financial support

This Policy sets out the intentions of Norfolk County Council Children's Services in using Special Guardianship as a permanency option and the circumstances in which it will be used and what support will be given to children, young people, special guardians and birth families to maximise positive outcomes for all concerned. This Policy applies to children who are subject to Special Guardianship Orders, their birth families (and significant people in their lives) and their prospective Special Guardian. It should be used by Social Workers in Social Work Locality Teams, Fostering Teams, Kinship Team and Commissioning Services. This Policy is supported by additional practice guidance for Social Workers.

Norfolk County Council seeks to achieve permanence for all children in care with minimal delay and disruption. Permanence planning is linked to the reviewing process from the beginning, culminating in a permanence plan being made by the four month statutory review. For children and young people who are subject to care proceedings (pre order), the Assessment of Special Guardians undertaken by the Child's Social worker, should include an assessment of the support needs of the proposed Special Guardians to make the placement sustainable in the long term. This will require understanding of the child's needs, the special guardian's needs and the birth family's needs to manage the placement day to day and to manage contact arrangements.

## 2. Principles

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In making decisions relating to Special Guardianship, Norfolk County Council Children's Services will apply the following:

- The child/young person's welfare is paramount
- Norfolk County Council Children's Services will always consider the Welfare Checklist (CA 1989)
- We seek to achieve permanence for all children in our care
- Consider the advantages for the child as opposed to other permanency options by considering the advantages and disadvantages of each option available
- Norfolk County Council will seek to minimise potential delay for a child if a family placement for a child/young person is an option
- Where a child or young person was not previously in care and Norfolk County Council Children's Services is notified by the Court or a potential Special Guardian of the intention to apply to the Court for the making of an order, they will comply by preparing a report for Court.
- NCC will consider the Statute, Regulations and Guidance – currently The Children Act 1989 (as amended), The Special Guardianship Regulations 2005 and the Special Guardianship Guidance of February 2016

## 3. Impact of this policy

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- Special Guardianship will be used wherever possible and appropriate in meeting the child's identified needs.
- Children and young people who are placed with Special Guardians will be able to access the right level of support, at the right time, for the right duration. This will ensure that children and young people have a permanent, stable and loving family who are able to meet such identified needs both now and in the future.
- Disruptions will be minimised through adopting a signs of safety (1) approach to support being provided to Special Guardians in order to maintain a caring environment for the child.
- A commitment will be provided to those taking out Special Guardianship Orders which will build a lifelong, permanent relationship between the child and their carer. This will be particularly relevant for outlining Norfolk County Council's offer to Foster Carers who wish to pursue Special Guardianship for a child/young person in their care. See Appendix 6
- Special Guardians will provide legal security for the child and give children and young people a sense of legal permanence resulting in Norfolk County Councils current (as at 2016) LAC numbers reducing.

Where it safe to do so, the link between the child and young person and their birth family will be maintained.

## 4. Special Guardianship Orders

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The legal framework for special guardianship is set out in the Children Act 1989 (as amended) s14 A-F.

It outlines:

- who may apply for a Special Guardianship Order
- the circumstances in which a Special Guardianship Order may be made;
- the nature and effect of Special Guardianship Orders
- support services for those affected by special guardianship
- The legislation is supported by the Special Guardianship Regulations 2005 and the Special Guardianship Guidance published by the Department of Education. Where regulations are referred to in this document, it is the Special Guardianship Regulations 2005 to which it refers.
- As well as when an application has been made, the Court may make a Special Guardianship Order in any family proceedings concerning the welfare of a child if they consider an Order should be made. This includes adoption proceedings (s14A(6) CA 1989, SG Guidance para 9).
- A Special Guardianship Order is a Court Order made under s14A of the Children Act 1989 as amended which entitles the carer to exercise day to day responsibility for the decision making for a child until the child reaches eighteen years of age. The Special Guardian has parental responsibility for the child and may exercise parental responsibility to the exclusion of all others with parental responsibility, apart from another Special Guardian unless it falls within exceptional requirements such as s14C where permission of all those with parental consent is required.
- Under s14C and SG Guidance 14 this is where it is to cause a child to be known by a different surname or where a person with parental responsibility is seeking to remove a child from the UK for a period longer than 3 months.
- The basic legal link with the parents remains and they remain legally the child's parents. Their ability to exercise their parental responsibility is limited. They retain the right to consent, or not, to the child's adoption or placement for adoption. The Special Guardian must take reasonable steps to inform the parents if the child dies.
- Special Guardianship Orders can be varied or discharged (s.14D CA 1989 Guidance para 16) on the application of:
  - the special guardian
  - the Local Authority in whose name a Care Order was in force with respect to the child before the Special Guardianship Order was made
  - anyone with a Residence Order in respect of the child before the Special Guardianship Order was made
  - the child's parent or guardians (with the leave of the Court)
  - any step-parent with parental responsibility (with the leave of the Court)
  - (with the leave of the Court) anyone who had parental responsibility immediately before the Special Guardianship Order was made
  - (with the leave of the Court) the child (if the Court is satisfied that the child has sufficient understanding)
- It is important to note that where the Applicant is NOT the child leave of the Court is required and they must show a significant change of circumstances since the order was made (s14D (4))

## 5. Who can apply for a Special Guardianship Order?

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The Court may not make a Special Guardianship Order unless it has received the report covering the suitability of the applicants completed by, or on behalf of, the Local Authority (s.14A (11) CA 1989 SG Guidance Para 11)

Before Making a Special Guardianship Order, the Court must consider whether to vary or discharge any other existing Order under section 8 of the Children Act 1989. The court should also consider whether a Contact Order should be made at the same time. The Court may also give leave for the child to be known by a new surname and give permission for the child to be taken out of the UK for periods longer than three months (s.14B CA 1989 SG Guidance Para 12 & 13)

Applications may be made by an individual or jointly by two or more people who must be 18 or over to become Special Guardians. Joint applicants do not need to be married. The parents of the child may not become that child's Special Guardian (s.14A (2) CA 1989 Guidance para 8).

Any person wishing to apply for an Order must give three months written notice to the Local Authority of their intention to make an application. The only exception is where the Court allows a competing application for a Special Guardianship Order where an Adoption Order application has already been made; this is to avoid delaying the adoption hearing (s.14A(7) CA 1989 SG Guidance para 10).

Under s14A (5) CA 1989 SG Guidance para 8, a court may make a Special Guardianship Order in respect of a particular child on the application of:

- I. any guardian of the child
- II. a local authority foster carer with whom the child has lived for one year immediately preceding the application
- III. anyone who holds a Child Arrangements Order for residence with respect to the child, or who has the consent of all those in whose favour a Child Arrangements Order for residence is in force
- IV. anyone with whom the child has lived for three out of the last five years
- V. where the child is in the care of a Local Authority, any person who has the consent of the Local Authority
- VI. anyone who has the consent of all those with parental responsibility for the child
- VII. any person, including the child, who has the leave of the Court to apply

Prospective Special Guardians therefore tend to fall into one of the five main groups:

- I. Foster Carers who have been approved by a Local Authority or an Independent Foster Care Provider and who are not related to the child
- II. Family and Friends carers who have been approved as foster carers by the Local Authority
- III. Family and Friends carers temporarily approved under Regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010
- IV. Family and Friends carers who are not currently caring for a child who is placed with either a local authority or independent foster care provider foster carer
- V. Others where the applicant and the child are unknown to the local authority until the notification to apply for an order is made

When making an Order the Court will consider the Welfare Checklist s1(3) Children Act 1989.

- a) the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);
- b) his physical, emotional and educational needs;
- c) the likely effect on him of any change in his circumstances;
- d) his age, sex, background and any characteristics of his which the court considers relevant;
- e) (any harm which he has suffered or is at risk of suffering);
- f) how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs;
- g) the range of powers available to the court under this Act in the proceedings in question.

## 6. The role of the Local Authority in relation to Special Guardianship

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The Local Authorities obligations in relation to Special Guardianship is summarised as:

- I. To ensure that special guardianship is considered and, where appropriate, planned for in respect of any child who is looked after
- II. To investigate and prepare a report for Court (Reg 21)
- III. To provide a range of services, as set out in regulations (Reg 3-5)
- IV. To provide financial support and to periodically review that support (Reg 6-10 and 18)
- V. To undertake assessments of support needs (Regs 11-13)
- VI. To provide notification of the outcome and decisions of those assessments (Reg 15-16)
- VII. To deliver support services and monitor the outcome of those assessments (Regs 14-17)

## 7. Viability Assessment

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Prior to the completion of a full Special Guardianship Assessment, particularly through the course of public law proceedings (care proceedings route), a Viability Assessment of the proposed or suggested Special Guardians will be undertaken by the Childs Social Worker or nominated other representative.

This is a short assessment that is completed by the Social Worker for the Child/Young Person and covers the proposed Special Guardians relationship with the child/young person, Police and Children's Services checks and assesses strengths, risks and support needs in the prospective placement. The views of those with parental responsibility are also ascertained.

As prospective Special Guardians who are subject to a Viability Assessment, it is important to note that the assessment process can often appear to be intrusive. You will be asked searching questions about your background, your relationship with the child/young person's birth parents, your own relationship if you have a partner, your understanding of the harm that the children have been exposed to and how you will be able to prevent them from suffering future harm. In these circumstances, the often complex issue for consideration by the assessing social worker is to address your ability to keep the child/young person safe from future harm, how you will care for the child throughout their minority, how you will manage your relationship with the child/young person's birth parents and their relatives, particularly when considering the issue of contact.

A Special Guardianship Support Plan can assist in addressing these issues and where appropriate providing interventions and support, however, it will be necessary for you to demonstrate you are able to prioritise the child/young person's needs.

## 8. The Special Guardianship Assessment

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When not for the purposes of Care Proceedings, Children's Services should be notified in writing by the applicants 3 months in advance of the Special Guardianship Order being applied for (s.14A CA 1989 SG Guidance para 98). This could be in respect of a child already known to the Service or from someone who has had no prior involvement.

If a child is already known to Children's Services, their Social Worker will be responsible for undertaking the report on the suitability of the applicant to be a Special Guardian. The exceptions to this would be;

- I. if the applicant is a Norfolk County Council Approved Foster Carer, in which case the Locality Fostering Team would undertake part of the investigation relating of the carers; or
- II. the child was unknown to the department in which case the referral should be passed to the Multi Agency Safeguarding Hub who will process the Contact and Referral to the locality Family Intervention or Assessment Team.

Where the child/young person is not Looked After, the applicant should give formal notice to the Authority in which the Applicant is ordinarily resident.

Upon such notification, Norfolk County Council Children's Services will undertake a Special Guardianship Assessment of the proposed applicants within twelve weeks in accordance with the prescribed format (Reg 12). The report template is available [here](#).

In exceptional circumstances it may not be possible to complete the assessment in the 12 weeks and in that circumstance Court permission to extend the timetable will be required by application.

Following assessment, having taken into account the identified needs of the proposed Special Guardians, the child/young person and the birth relatives, the creation of a Special Guardianship Support Plan is required.

## 9. Payment of legal fees in respect of children in the care of Norfolk County Council Children's Services

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Norfolk County Council has the discretion to fund or part fund legal costs for prospective Special Guardians in relation to prospective applications for Special Guardianship. This will be made available for proposed Special Guardians who Norfolk County Council have assessed as viable Special Guardians or for those that would provide care as an alternative to the child/young person becoming Looked After.

## 10. After an order is made – Requesting an Assessment of Special Guardianship Support Needs

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At any point until a child is 18 years of age, a person may request an assessment of their needs for Special Guardianship Support Services. It is not necessary in all cases for an in-depth assessment to be undertaken. However, where a specific need has been identified, the Local Authority must consider whether to provide or not an intervention or service and also whether to provide (or commission another agency to provide on their behalf) the service to meet those needs.

Local authorities are required under the Children Act 1989 amended by the Adoption and Children Act 2002 and subsequent Special Guardianship Regulations 2005 to provide a range of support services to meet the needs of people affected by Special Guardianship Orders.

The following people must receive an assessment at their request, in cases involving looked after children or children who were looked after immediately prior to the making of a Special Guardianship Order:

- The child
- The prospective Special Guardian(s) or the Special Guardian (s)
- Birth parent(s)

It is important that children who are not (or were not) looked after are not unfairly disadvantaged by this approach. In many cases the only reason that the child is not looked after is that relatives stepped in quickly to take on the responsibility for the child when a parent could no longer do so.

Other people who may be offered an assessment of their need for Special Guardianship Support Services may include:

- the child (where not looked after)
- the special guardian or prospective special guardian (where the child is not looked after)
- a parent (where the child is not looked after)
- a child of a special guardian (whether the Special Guardian's child is looked after or not)
- any person whom the local authority considers to have a significant and ongoing relationship with a child (whether the child is looked after or not)

## 11. Eligibility for an assessment of support needs

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There is a distinction in the special guardianship regulations about when a local authority must and may undertake an assessment for special guardianship support. Appendix 1 shows clearly the type of support for which various people may be assessed.

Where a child was previously looked after, the child, the special guardian or prospective special guardian and the parent must receive an assessment at their request.

Where the child was not previously looked after the child, the special guardian or prospective special guardian and the parent, the child(ren) of the SGO carer and anyone with a significant relationship with the child may receive an assessment. In deciding whether or not to undertake an assessment, the person must not be unfairly disadvantaged. That is to say, the local authority should take into account whether the child would otherwise have been a looked after child and determine whether in 'fairness' they would have been eligible as a looked after child.

Where discretion is exercised and a decision is made not to undertake an assessment, the applicants will be notified in writing setting out the reasons for that decision. The application of the 'fairness' principle must form a significant part of that explanation. The local authority should also consider offering alternative sources of assessment and support from universal and targeted services or the voluntary sector.

For Special Guardians who are not actively open to the Kinship or Fieldwork team and who do not have an allocated Social Worker, a request for an assessment of special guardianship support needs can be made by contacting the Norfolk Children's Service Multi Agency Safeguarding Hub (MASH) on (0344) 800 8020 who will be able to take the necessary details of the Special Guardians, the child/young person's details and direct your request to the Kinship Team.

For an informal discussion, for advice and information about support groups that operate within our Locality areas or for questions relating to entitlement of a Special Guardian Support Assessment, post Order, Special Guardians can contact the Kinship Team's Advice Line on (01603) 224131 during office hours.

Upon receipt of your request for a Special Guardianship Needs Assessment, the Team Manager of the Kinship Team, or designated deputy will acknowledge your request for an assessment and notify you of our decision to complete an assessment and who will be undertaking the assessment. Depending on your circumstances and those of the child/young person placed with you under the auspices of a Special Guardianship Order the parameters of such an assessment, including obtaining your consent to consult with other agencies/professionals will be ascertained during our initial contact or visit where appropriate for the purposes of undertaking the assessment.

For assessments of financial assistance, there will be circumstances in which the Council will refuse to carry out a financial assessment, having regard to its area of responsibility and any other relevant circumstances. This may occur where the Council has had no or limited previous involvement with the child or the Council considers special guardianship to not be in the best interests of the child. If the Council determines not to carry out a financial assessment, then the Council will notify the prospective special guardians in writing of its decision and comply with the requirements of the statutory framework.

The Local Authority where the Special Guardian lives is responsible for undertaking an assessment of need and provision of any special guardianship support services in response to that assessment. The only exception to this is where a child/young person was looked after before the Special Guardianship Order was made. Where this is the case, the responsibility for assessment and providing special guardianship support services remains the responsibility of the Local Authority for the first three years after an order is made.

As with any assessment of need, it is important that all information is shared between the Special Guardians and the Assessing Social Worker who is conducting the Special Guardianship Needs Assessment. Routinely, Special Guardians will be asked to share personal information, including financial information about their circumstances. This ensures that the Local Authority are able to apply due diligence to decision making and ensures that we are able to articulate identified needs and that a robust assessment is completed.

## 12. Support Services

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The child's Social Worker will inform the child/young person, the prospective Special Guardians and birth parent(s) that they have a right to an assessment of their needs for Special Guardianship Support services and will make arrangements to provide or commission services where a person has been assessed as having a specific need. These services may include;

- I. financial support (Reg 3(1)(a))
- II. services to enable groups of children for whom a Special Guardianship Order is in force or in respect of whom is being formally considered, special guardians and prospective special guardians, and parents of the child to discuss matters relating to Special Guardianship (Reg 3 (1)(b))
- III. 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 (Reg 3(1)(c))
- IV. therapeutic services for the child (Reg 3(1)(d))
- V. assistance for the purpose of ensuring the continuance of the relationship between the child and his special guardian or prospective special guardian, including training for the special guardian or prospective special guardian to meet any special needs of the child; respite care; and mediation in relation to matters relating to Special Guardianship Orders (Reg 3 (1)(e)) and
- VI. counselling, advice and information (s.14F (1)(a) of the Act)

Special Guardianship Support Services should not be seen in isolation from other services available through the County Council or from other agencies providing services to children and families in Norfolk. Children and Families are able to access a range of services universally on offer in Norfolk such as those services provided by Local Children's Centres, Out of School Activity clubs, Health Visiting Service, School Nursing Service, GP Practice and Health and Wellbeing services, including public health information service.

Advice and Information or a service to meet one specific need do not always require an assessment or a Special Guardianship Support Plan, and should be given as soon as possible so not to jeopardise the child/young person's placement.

Further information can be obtained through contacting the Kinship Advice and Support Line on (01603) 334455. Available; Monday to Friday 13.00 hrs to 16.00 hrs. Additionally further information can be found on the Norfolk County Council website, [www.norfolk.gov.uk/kinship](http://www.norfolk.gov.uk/kinship).

### 13. Financial Support and Allowances

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The Statutory Guidance make clear and states “financial issues should not be the sole reason for a special guardianship arrangement failing to survive”, SGG, Para 37. It also states that, as a central principle, the regulatory framework enables local authorities to provide financial support to secure a special guardianship placement where it otherwise could not be made (reg 6 and SGG para 37 Reg 4SG(W) R and SG(W)G, para 67). Equally it should not be the reason for selecting Special Guardianship over other types of permanence such as adoption and long term foster care....

Regulation 6 sets out the circumstances in which financial support may be paid to a special guardian or prospective special guardian. These are:

- I. where it is necessary to ensure that the special guardian or prospective special guardian can look after the child
- II. where the child needs special care which requires a greater expenditure of resources than would otherwise be the case because of illness, disability, emotional or behavioural difficulties or the consequence of past abuse or neglect
- III. where the local authority consider that it is appropriate to contribute to any legal costs, including court fees, of a special guardian or prospective special guardian associated with:
  - A. the making of a special guardianship order or any application to vary or discharge such an order
  - B. an application for an order under section 8 of the Act (a contact order, a prohibited steps order, a residence order or a specific issue order)
  - C. an order for financial provision to be made to or for the benefit of the child
  - D. where the local authority consider it appropriate to make a contribution to the expenditure necessary for the purpose of accommodating and maintaining the child, including the provision of furniture and domestic equipment, alterations to and adaptations to the home, provisions of means of transport, and provision of clothing, toys and other items necessary for the purpose of looking after the child

The endorsement of Special Guardianship Support Plans including financial support and allowances are considered by the Permanence Panel who maintain decision making responsibility for such arrangements. Terms of Reference for Permanence Panel are available [here](#).

In addition, therapeutic support needs as identified through the completion of an assessment can be accessed through the Adoption Support Fund.

Financial support can be paid in the following ways;

- I. periodical payments made to the Special Guardians to meet the identified needs
- II. a single payment; or
- III. payments by instalments

## 14. Adoption Support Fund

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The Adoption Support Fund (ASF) is a new fund established to help pay for essential therapy services for adoptive families as and when they need it. It has been set up because many families need some kind of support during and following adoption and too many have struggled to get the help they need in the past. The ASF will enable adoptive families to access the services they need more easily in future.

From 1st April 2016, the Adoption Support Fund made it possible for Special Guardians to request help from the fund.

## 15. How do I access the Adoption Support Fund

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To access the ASF, you will need to have an assessment of your families' special guardianship support needs by the Local Authority. You have the right to request an assessment and your Local Authority is required by law to conduct one. The Local Authority that places the child with you is responsible for assessing your special guardianship support needs for three years after the Special Guardianship order is complete. After three years it becomes the responsibility of the Local Authority where you live (if different). Where the social worker identifies that therapeutic services would be beneficial to your family, they will be able to apply to the ASF on your behalf. The social worker would be expected to talk to you about who can provide the types of service that you need and which provider you would prefer. This could be the Local Authority itself, a neighbouring Local Authority, an independent provider, or an NHS provider. In the case of a successful application, funding will be released to the Local Authority to commission the approved services.

For Special Guardians who are not actively open to the Kinship Team, Fieldwork team and who do not have an allocated Social Worker a request to access the fund, including a request for Special Guardianship Support Assessment where required, should be made by contacting the Norfolk Children's Service Multi Agency Safeguarding Hub (MASH) on (0344) 800 8020. In addition the Kinship Team Advice Line can provide information and advice about whether you may be eligible for funding from the Adoption Support Fund.

## 16. Allowance Amounts

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The statutory guidance provides that in determining the amount of any going financial support, the Council should have regard to the amount of fostering allowance that would have been payable if the child were fostered. With this in mind, the maximum weekly special guardianship allowance paid by the Council will generally be an amount that is in line with Norfolk County Council [Fostering allowances](#).

One of the matters the Council must take into account as part of a financial assessment is the person's financial resources, including any benefits, which would be available if the child lived with the person. For carers who are eligible for an allowance who are not in receipt of benefits, child benefit will be deducted from the weekly allowance.

An enhancement to the weekly allowance can be considered in exceptional circumstances if it is considered that the individual's circumstances require a higher payment. Whether an enhancement should be paid and, if so, for what amount, would depend upon the overall financial assessment, any carer's essential costs associated with the special needs or other circumstances and whether there is some other means of meeting those costs.

An example of situations which an enhancement may be considered are as follows: (a) where a child has an exceptionally high level of need involving significant expense which is not otherwise provided for in this guidance or reflected in any other payment or award (including by the Council); or (b) where for geographical or other reasons the cost of living is significantly higher than the national average.

Any such arrangements for enhancements will require the endorsement and approval of the Permanence Panel.

In the event that following assessment, your claim for an enhanced payment is refused, you will be able to make such representations to the Panel within a period of 28 days from the time the proposed decision has been notified to you in writing. Details of independent advice and advocacy will also be included in any such correspondence from us to allow you to seek assistance.

In exceptions and with the approval of the Permanence Panel payments may be made as a one-off lump sum amount to a maximum value not exceeding the amount the applicant would be entitled to as an annual allowance. These arrangements will only be agreed in exceptional circumstances where the circumstances of the child warrant such a payment.

## 17. Exceptional Cases

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In exceptional circumstances when larger specific funds, contributions or specialist purchases are requested, for those payments over £5000 will be dealt with as an exceptional payment and will require full financial disclosure and due diligence approved by the Permanence Panel Chair, an Assistant Director or deputy.

In the event that Norfolk County Council approve such requests, Norfolk County Council considers that for requests of amounts in excess of £5000 that consideration by the Permanence Panel to place a charge on the Special Guardians property or to provide such public funds via a loan or repayment scheme will be put into place. The details of which will be considered carefully and on a case by case basis, balancing the merits of such and impact on the child/young person.

## 18. Foster Carer's who wish to pursue Special Guardianship

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Norfolk County Council is committed to supporting both its Norfolk County Council Foster Carer's and external independent fostering provider foster carers in making applications for Special Guardianship for children and young people in their care where we consider it to be in the child or young person's best interests and where legal permanence for those children and young people can be achieved. Through adopting a Team around the Child approach, Norfolk County Council in partnership with the Foster Care Partnership will support Foster Carer's in guiding them through the process of achieving legal permanence for children and young people in our care.

Financial support cannot normally include any element of remuneration to special guardians, however there is provision for local authority foster carers who become special guardians to receive the same equivalent weekly allowance including any fees that they were paid.

Where Foster Carer's wish to pursue achieving legal permanence for the child/young person in their care, Norfolk County Councils underpinning principal for achieving this for the child/young person is that Foster Carer's and the Child/Young person in placement will not be disadvantaged through means of receipt of remuneration and Leaving Care (Aftercare) services for the child/young person.

Depending on the individual needs of the child/young person, foster carer's will continue to receive the equivalent fostering allowance (remuneration) until such a time that the child turns 18 years of age.

In order for Norfolk County Council to comply with the regulations, there is a requirement that Foster Carer's will need to continue to fulfil the terms of Regulation 10, which is set out in full below.

Regulation 10 of the Special Guardianship Regulations states:-

10.-(1) Where financial support is to be paid periodically it is not payable until the special guardian or prospective special guardian agrees to the following conditions:-

- a) that he will inform the local authority immediately if
  - I. he changes his address;
  - II. the child dies;
  - III. any of the changes mentioned in regulation 9 (cessation of financial support) occurs; or
  - IV. there is a change in his financial circumstances or the financial needs or resources of the child which may affect the amount of financial support payable to him,and, where the information is given orally, to confirm it in writing within seven days;
- b) that he will complete and supply the local authority with an annual statement as to the following matters—
  - V. his financial circumstances;
  - VI. the financial needs and resources of the child;
  - VII. his address and whether the child still has a home with him.

## **Decision Making and Planning about Special Guardianship Support Services**

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Once assessed, the Child's Social Worker (pre-order) or Special Guardianship Order Support Team (post order) will make a proposal to the birth relatives, Special Guardian(s) or the child about whether or not it plans to provide services. This may be done jointly or in consultation between both teams. The notification should include the following:

- a statement identifying any relevant needs in relation to special guardianship support;
- when the assessment is focused on the need for financial support, the basis and process by which this has been determined;
- whether the local authority is proposing to provide the applicant with support services and what those services are to be; where it is proposing to provide services; a draft plan for those services;
- if financial support is to be paid, then the proposed amount and any conditions that are attached to that payment (e.g. what the money might be spent on and by when).

This notification will take the form of a written plan (unless there is a one-off specific service) which will clarify what the service is they are to receive, when and how they are to be delivered using the Special Guardianship Support Plan.

The statutory notice should also contain contact details for relevant sources of independent advice and advocacy. If the Council is required to prepare a plan of the special guardianship support services (which it must do if the services are to be provided on more than one occasion and are not limited to the provision of advice or information), then a copy of the draft plan must be provided with the notice. It must also allow the applicant to make representation about the accuracy of the assessment, the basis upon which the notification has been constructed and any other comments which might be relevant. The notification must allow a reasonable time period for the applicant to make their representations. Norfolk County Council, has agreed that 10 days is a reasonable time period in line with adoption.

## 20. Permanence Panel

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For children and young people where permanence is to be secured through Special Guardianship Order, Panel will act as Decision Maker and ratify this through presentation of the Special Guardianship Assessment and Special Guardianship Support Plan.

The Permanence Panel will ensure that there is a consistent approach to decision making where there is a financial cost associated with it. This approach will assist in developing a sustainable system of allocating resources and ensure the most effective use of budget resources are applied in supporting SGO placements.

All cases whereby there is a proposal to pay a financial support element as included in the Special Guardianship Support Plan will be sent to this panel including proposed Special Guardianship Support plans via the Kinship Team. This is particularly relevant for any financial allowances whereby following review there is a request for such arrangements to continue. Social Worker and or the Team Manager responsible for the Child/Young Person are requested to attend this Panel to present their case. It is not necessary for Special Guardians to attend the Panel.

Once assessed, the child/young person's social worker (pre order) or Kinship Team Social Worker (post order) will make a proposal to the birth relatives, Special Guardian(s) or the child about whether or not it plans to provide services. Within the Special Guardianship Support Plan (the notification), details of the following will be included;

- A statement identifying any relevant needs in relation to special guardianship support;
- When the assessment is focused on the need for financial support, the basis and process by which this has been determined;
- Whether the local authority is proposing to provide the applicant with support services and what those services are to be; where it is proposing to provide services; a draft plan for those services;
- If financial support is to be paid, then the proposed amount and any conditions that are attached to that payment (eg. What the money might be spent on and by whom)

If in proceedings this will be set out in the Special Guardianship Support Plan.

Representations can be made by the proposed Special Guardians regarding the accuracy of the assessment, the basis upon which the notification has been constructed and any other comments which might be relevant. Such representations should be made within 10 days of receipt of the notification (Special Guardianship Support Plan).

The Permanence Panel will use the principals set out in the Permanence Panel Terms of Reference to discuss the support needs and the appropriate package of support and financial support agreed. Such decisions will be recorded on the child/young person's electronic record.

A clear, evidence based rationale will be provided outlining any support that is available from other sources, when they were approached and what the outcome of that application was including their reasons for declining support.

Social Workers presenting cases to Permanence Panel will be required to provide the following, in consultation with the Special Guardians.

In proceedings

- The Special Guardianship Assessment will be provided
- The proposed Special Guardianship Support Plan
- The Independent Reviewing Officer's views will be obtained and documented
- A copy of the Financial Allowance Means Test, including any supporting documentation

Post Order

- The Special Guardianship Needs Assessment
- The proposed Special Guardianship Support Plan
- The Financial Allowance means test, including any supporting documentation

In all cases, social workers submitting an application should ensure that applications demonstrate:

- Clarity about what they are asking Panel to agree/review
- Clarity about how the proposal is in the best interests of the child/young person and how it will support their development and learning, and help them build resilience and independence
- The child/young person's views and the views of the Special Guardians.
- The costs and how do they differ from previous packages of support (where appropriate)
- What other options have been explored and why is this proposal best
- What the anticipated impact on the child/young person of the requested service/support will be
- What the impact on the parents/carer's/family of the requested service/support will be

## 21. Representation and appealing the decisions for Special Guardianship Support Services including financial support

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Generally, the proposed Support Plan will have been developed with the full involvement of the carer's and will have been discussed with the Social Worker who's responsibility it is for devising the Special Guardianship Support Plan based on the assessment of special guardianship support needs.

The Special Guardianship Support Plan will be reviewed following agreement that services are to be provided. This will be shared with the Special Guardians, and the person to whom the support services are being offered will be given 10 days to respond to the proposals, either to agree with what is being proposed or to reply in writing with detailed comments as to why they are not satisfied with the proposal (if it is signed off sooner, services need not be delayed). If representations are made, then the Council should consider those before making a final decision within 28 days.

Representation will be considered by the Chair of the Permanence Panel before making a decision. The Chair of the Permanence Panel will consider any new information provided in representations and the degree to which this influences its understanding of the needs of the child/young person, the special guardian or other people who have been part of the assessment. The Permanence Panel Chair will also need to consider that information in relation to the local resource context informed by any statutory duties and responsibilities that apply, the strategy and policy of the local authority, any relevant case law and the principals of transparency and fairness. The overall driver in any decision must be the safety and welfare of the child and their needs to establish a secure and lifelong family base.

The local authority cannot make a final decision about support until the person assessed has made representations or notified the local authority that they are satisfied with the proposed decision and/or the draft support plan. If the period for representations has expired (i.e. after 28 days) the local authority can also then make its decision.

Once the decision has been made, the local authority must issue a notice of that decision under Reg 16(1) to the individual who has been assessed. Where services are to be provided, it must also supply the plan setting out in detail what those services are, where and when they are to be provided and who will monitor the plan under Reg 14.

In relation to financial support Reg 16 (3). The notice must address:

- The method used to determine the amount of financial support
- Where it is to be paid in instalments or periodically
- The amount
- The frequency
- The period for which it is to be paid
- When payment will commence
- Where it is a single payment, when it will be paid
- Any conditions and consequences imposed by Reg 10(2)
- Procedure for review, variation and termination
- The LA's responsibility to review under Reg 17, Reg 18
- The responsibilities of the prospective special guardian or the special guardian in any agreement under Reg 10.

The local authority must review where payments are periodic in accordance with Reg 18.

Regulation 10 specifies that, where a local authority is proposing to pay financial support periodically, then it cannot do so until the prospective special guardian or special guardian agrees in writing to the following conditions:

The prospective special guardian or special guardian agrees that they will inform the local authority immediately if (the agreement in writing must be submitted within 7 days of any verbal agreement):

- I. They change their address
- II. The child dies
- III. There is a change in financial circumstances or needs or resources of the child which may affect the amount of financial support

Any changes specified in regulation 9.

Regulation 9:

- I. The child ceases to have their home with the prospective special guardian or special guardian.
- II. The child ceases full-time education / training and enters employment
- III. The child qualifies for income support or jobseekers allowance
- IV. The child reaches 18 (except where they continue in full-time education/training where it may continue until the end of the course/training)

In some cases, the notification of the decision will bring disappointment that particular services will not be provided. It is anticipated that this would have been discussed openly with the applicant prior to the decision being taken, but in any case the applicant should be treated with sensitivity and respect.

## 22. Future Review of the Special Guardianship Support Plan

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The Special Guardianship Support Plan should indicate and set out the timescale for review according to the requirements set down within the plan, and reviewed at least annually to ensure both the financial criteria and care arrangements for the child placed under Special Guardianship are sufficient enough to meet need.

All SGO Support Plans where it necessitates oversight and direct support to the Special Guardians post order, will be managed within the locality social work team in the first instance and where required transferred to the Kinship Team for allocation.

The period of time that such offers of oversight and support by the area locality social work team are to be provided will be included within the Special Guardianship Support Plan.

## 23. Review of Financial Support

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All Special Guardianship Order Allowances are reviewed on an annual basis from the date the Special Guardianship Order was made.

This will commence by Norfolk County Council contacting you in writing, advising you that the Financial Review is due and giving you guidance as to what documentation and information you are required to provide and when we will require it. A member of the Central Business Support Team will request this information for collation and presentation to the Kinship Team Manager or Deputy who will review the documentation and consider whether it is necessary, based on the information provided that a formal assessment of Special Guardianship Support Needs is required. It may be that there has been a significant change in your personal or financial circumstances or that the needs of the child/young person who is placed under Special Guardianship has changed significantly.

In the event that you have a query arising from receipt of notification that your financial review is due, or that you have not received such notification and are expecting it, please contact in the first instance, the Kinship Team on: 01603 224131.

The Central Business Support Team will issue a reminder letter six weeks prior to the review requesting all documents within 28 working days. This ensures continuity of payments to the carer so that they are not financially disadvantaged. Where the paperwork has not been received 28 days after the notification letter, a reminder letter will be sent requesting the information within 28 days and stating that Norfolk County Council reserve the right to suspend payment until the requested paperwork is received.

It is the responsibility of the Special Guardian/Carer to notify Norfolk County Council Children's Services in advance if there is any reason why they cannot submit the appropriate paperwork (e.g. original copies have been sent to the Benefits Agency). In these circumstances an extension may be agreed with the approval of the Kinship Team Manager or Permanence Panel Chair.

Reviews may also be conducted at any other stage that Norfolk County Council Children's Services consider appropriate, or if any change in any person's circumstance comes to the attention of the Council.

If Norfolk County Council Children's Services proposes as a result of the review to reduce or terminate the financial support or revise the plan, before making that decision Norfolk County Council Children's Services will give the person an opportunity to make representations within 28 days of that notice. If deemed appropriate Norfolk County Council Children's Services may suspend financial support pending that decision (Reg 18 (5) and (8)).

Should the annual statement not be received within 28 days of the reminder notice, Norfolk County Council may:

- I. Suspend or terminate payments Reg 10(3)(a)(b);
- II. Seek to recover all or part of the financial support paid.

Where packages have been agreed until the young person turns 18 years of age, this will be given until the end of the academic year in which the young person turns 18 years of age.

Special Guardians will be advised of the outcome of any review in writing (Reg 20).

If Norfolk County Council proposes as a result of the review to reduce or terminate the financial support or revise the plan, before making that decision, Norfolk County Council will give the person an opportunity to make representations within 28 days of that notice. If deemed appropriate, Norfolk County Council may suspend financial support pending that decision (Reg 18 (5) and (8)).

Where you are in receipt of a Financial Allowance and wish to contact a member of the Central Business Support Team regarding your payments or where you have a financial review coming up, you can contact the Central Business Support Team on; (01603) 223463.

## 24. Leaving and Aftercare Services

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A young person subject to a Special Guardianship Order may be eligible for advice and assistance under s.24 Children (Leaving Care) Act 2000 if they were looked after by Norfolk County Council Children's Services before the Order was made and upon fulfilling the conditions outlined below (s.24 (1a) CA 1989).

The young person must be 16 but not older than 21. Where the young person is under 18, the Order must still be in force. Where they are over 18 and under 21 the Order must have been in force when they reached 18 (24(1A) CA 1989).

Under sections 24A and 24B, the relevant authority is required to advise and befriend and to give assistance. Financial assistance may be given where the young person is in full time further or higher education, is under the age of 25 and qualifies for advice and assistance, or would have done if he was under 21, assistance in relation to securing vacation accommodation (section 24A(2) and (3), and 24B of the Children Act 1989).

Access to Leaving Care Services as outlined above, including financial assistance, should be set out within the Special Guardianship Support Plan presented to Permanence Panel and where appropriate contained within the young person's Pathway Needs Assessment/Pathway Plan.

Special Guardians who believe that a young person in their care or the Young Person themselves who believe they qualify for Leaving Care Services as outlined in s.24 Children (Leaving Care) Act 2000 should contact; their Personal Advisor if known or the Norfolk Children's Service Multi Agency Safeguarding Hub (MASH) on (0344) 555 5555 who will direct them to the appropriate service. [Leaving care policy statement](#)

## 25. Compliments, Comments and Complaints

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All service users will be informed of their right to make a comment, compliment or complaint about the service they are receiving and will be told how to do this. Details will be provided at the first home visit through providing the service user with a leaflet explaining the County Council complaints procedure. Further details can be found on the internet [www.norfolk.gov.uk](http://www.norfolk.gov.uk)

## 26. Implementation of the Policy

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Special Guardianship as a permanence option for children and young people is already being used within the locality social work teams. It is expected that all staff are briefed and familiarise themselves with the contents of this document and associated practice guidance.

The Kinship Support Team continue to be responsible for the reviewing of special guardianship support packages including undertaking the Annual Financial Review and review of care arrangements for the child/young person subject to Special Guardianship.

End