



Financial Assistance for Special Guardianship Orders

Rochdale BC



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Summary

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Document Approvals

This document requires the following approvals.

Name	Title	Date of Issue	Version Number



Financial Assistance for Special Guardianship Orders

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Financial Assistance to Special Guardianship Order

Rochdale Borough Council may provide financial support for Special Guardians. To determine whether Guardians are entitled to Financial Support, the Department for Education (DfE) Means Testing Assessment Tool is used to determine eligibility for financial support. Further details of this can be found at www.dfe.gov.uk

Each case will be reviewed on an individual basis. Rochdale Borough Council will not discriminate on grounds of race, gender, disability or any other characteristics that may put a service user at a disadvantage over others.

Financial Responsibility

The primary responsibility for the financial support of children rests with their parents. The Department of Work and Pensions has the primary duty to provide a level of income maintenance in circumstances where parents are unable to provide an adequate level of financial support to a child who is subject of Special Guardianship Order. Where the local authority is considering undertaking a financial assessment regarding ongoing payments (allowances) in respect of Special Guardianship Orders, advice will be provided to the carer to ensure they are claiming all relevant and appropriate benefits and/or tax credits available to them.

Circumstances in which Financial Support may be payable

Financial support will only be provided to those who are granted Special Guardianship Orders in respect of children who were previously looked after **or** who would, in the opinion of the Practice Manager, otherwise have become looked after if such orders had not been granted and where the local authority assesses the placement of the child with the person(s) applying for the order as in the child's best interests.

Circumstances where financial support may be payable:

- Where it is necessary to ensure that the carers can look after the child, where this would not be practicable without financial support and where this is not available from another source;
- Where the child needs special care which requires greater expenditure of resources by reason of illness, disability, emotional or behavioural difficulties or the consequences of past abuse or neglect;
- Where the local authority consider that it is appropriate to contribute to any legal costs including court fees associated with the making of a Special Guardianship;
- Where such support is to meet recurring costs in respect of travel for the purpose of visits between the child and a related person, in line with the child's support plan;

N.B. Where assistance would normally be provided by another agency (e.g. adaptations to the home for a disabled child) these should be applied for separately by the carers to the appropriate agency.

Eligibility Criteria for Special Guardianship Allowance

Having regard to **Section 4, Circumstances in which Financial Support may be Payable**, the following criteria applies to the payment of Residence Order/Special Guardianship allowances:

- There must be evidence of a full Special Guardianship Order;
- The child must be assessed as "in need" via the Child and Family Assessment Framework within Rochdale, which concludes and recommends that the placement and support is appropriate
- The birth parents of the child or any other person with **Parental Responsibility** must be ordinarily resident in Rochdale;
- The care provided to the child must be continuing and appropriate;
- A financial assessment of the carers/proposed carers, the birth parents and the child (if in receipt of state benefit or earned income) must be undertaken and a need identified. Any financial support will be calculated using the Means Testing Model
- A support plan / child in need plan identifies the need for support services
- The Plan and the level of financial support must be reviewed and reassessed at least annually;

Financial support to Former Foster Carers

Specific provision is made in regard of financial support for Special Guardian(s) who were formerly foster carers for the specific child or young person.

The general principle underpinning this is that financial support should not include any element of remuneration (skills payment) but former foster carers are exempted from this for a period of up to 2 years.

In exceptional circumstances such an element could continue beyond 2 years, which is at the discretion of Rochdale BC. The support plan will outline the level of financial support to be paid to the Carers and how this will be assessed on an annual basis. The carers will be able to review and agree this prior to the application being made to the Court.

The level of financial assistance paid to Foster Carers will be set at the level of Fostering Payments they receive at the time of the Special Guardianship Order being granted. Additional payments relating to holiday, birthday and Christmas or Festival Allowances are not paid and the payments do not increase as the child becomes older as they would if the child remained 'Cared 4'.

The decision to grant or continue with a Special Guardianship Allowance will be made by Rochdale BC's Finance Panel. The Finance Panel consists of key senior professionals within Children's Services and is not open to invitation.

Where the Local Authority does not recommend or support the Special Guardianship Order in respect of a specific child or carer, they will not financially support the placement.

Financial support to Prospective Applicants who were not formerly foster carers for the child

This would relate to children and young people who are 'Cared 4' by the Local Authority but who have not been placed with prospective Special Guardians.

Financial Assistance for Special Guardianship Orders

The principle underpinning the regulations and guidance is that financial support should be available to ensure that financial aspects are not an obstacle. Regulation 8 outlines the circumstances in which financial support can be paid and the expectation is that Special Guardian(s) should access the benefits that they are entitled to and that the role of local authorities is to be facilitative in this process.

It also stipulates that any financial support made to Special Guardian(s) under these circumstances should not duplicate any other payment that they receive. The areas that the local authority is required to consider as part of the financial assessment are:

- The financial resources – including investment of the (prospective) Special Guardian(s)
- Outgoings of the prospective Special Guardian(s)
- Financial need of the child or young person

Guidance is available for carers in respect of Special Guardianship Allowances, and this should be provided at the time of the assessment.

Where the Local Authority does not recommend or support the Special Guardianship Order in respect of a specific child or carer, they will not financially support the placement.

Private Applications

The Local Authority maybe asked by the Court to undertake a Special Guardianship Assessment in respect of a child who is not known to Children's Services. The Authority has a duty to undertake the assessment and provide a view to the Court. Whilst financial support would not be deemed appropriate, the assessment will consider the needs of the child and whether services are required to provide that support.

Non Means Tested Financial Support

The Local Authority will not means test the prospective Special Guardian(s) where it considers it appropriate to make a contribution towards: -

- expenditure on legal costs,
- expenditure associated with a child or young person's introduction to a prospective permanent carer
or
- expenditure on accommodating a child or young person,

Types of Financial Support

In accordance with its overall policies and procedures in this regard, financial support may be provided in the following ways:

- Periodic financial support at a rate calculated by the Local Authority and as determined and reviewed annually by the Local Authority in line with financial regulations. This will be in accordance with the *DfE Means Testing Model*
- Payment may be in instalments for a time period specified by the Local Authority
- A lump sum payment, which will cover items or adaptations that are required as a consequence of assessment of a child's individual needs and as determined by the Local Authority
- The commissioning by the Local Authority, possibly alongside other agencies, of specific items or services

Benefits, Tax Credits, Grants and Allowances

The Local Authority considers that the provision of financial support must always begin with ensuring that the applicant fully accesses all available benefits and tax credits to which they are entitled.

The Local Authority acknowledges that it cannot duplicate any other payment available to the applicant. In determining financial support, the Local Authority will take into account any other grant, benefit, allowance or resource which is available to the person in respect of their needs as a result of becoming a special guardian.

Guidance is available in respect of completing the financial documents (See Appendix 1)

Approving Financial Support

Approval for Financial Support will be made by the Finance Panel (see above). All expenditure in relation to Special Guardianship will be authorised by this panel.

Subject to the approval of the Special Guardianship Allowance, the Commissioning Team confirm in writing the following:

- The method used to determine the amount of the allowance
- The amount of the allowance
- The date of the first payment of the allowance
- The method of payment of the allowance, frequency and period for which payment will be made
- The arrangement and procedures for review, variation and termination of the allowances
- The criteria which would cause the payment to cease automatically and the prospective Special Guardian's responsibility to notify the authority should one of these arise.

Review of the Special Guardianship Allowances

All Special Guardianship Allowances must be reviewed on at least an annual basis in line with financial regulations. There may be certain circumstances where financial support is reviewed at time periods of less than 12 months'; this is at the discretion of Rochdale BC.

Rochdale BC will write to all Special Guardian(s), 28 days prior to their review date requested for an updated Financial Assessment to be completed.

The annual review of each allowance will be carried out by the Commissioning Team and presented at the Finance Panel for approval to determine the level of allowances which will continue to be paid. If the result of the assessment is to increase, suspend, decrease or terminate allowances, this decision will be considered by Rochdale BC Finance Panel against all of the information available.

Discontinuation of Allowances

An allowance will be discontinued if:

- The child ceases to have a home with the Special Guardian;
- The child ceases in full time education and commences employment;
- The child qualifies for income support or jobseeker's allowance in their own right;
- The child reaches the age of 18, unless they remain in full time education or training, where it may continue until the end of the course or training they are undertaking at the discretion of Rochdale BC;
- The child marries;

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- The review determines that the allowance should be terminated; or
- The child dies.

If a child reaches the age of 18 and is eligible for Leaving Carer Services then their entitlement in respect of Leaving Care will take precedent for payments.

Suspension of Allowance

Suspension of an allowance is the most appropriate decision where the annual statement has not been received. The suspension of payments is the decision of the Commissioning Manager for the first three months in conjunction with the Chair of the Finance Panel; unresolved suspensions will then be referred to the Finance Panel.

Where a Special Guardian does not provide an annual statement within the timescales as determined by the review period, Rochdale BC will not suspend the allowance until:

- Rochdale BC has sent the Special Guardian a written reminder of the need to provide an annual statement, and
- 28 days have expired since the date on which the notice was sent.

The Annual Review of Financial Support

An early review may be initiated if:

- Rochdale BC become aware of any significant changes in the circumstances of the family
- The Special Guardian(s) notifies Rochdale BC of any significant changes or requests an early review because of a change in financial circumstances.

Otherwise, the Special Guardianship Allowance will be reviewed annually and each year Special Guardians will be required to re-complete the financial assessment document.

Any significant changes to the financial circumstances of the Special Guardianship (s) household are likely to result in a change in the level of allowance that is awarded. The Finance Panel will always take note of the Court agreed support plan, which will identify a level of payment and support. However depending on the means testing assessment and the level of benefits received, this may change each year in line with the annual review, depending on the Special Guardian's circumstances.

Special Guardian(s) are required to inform Rochdale BC of any changes to their financial circumstances, which will trigger a review of the payments made.

If the Special Guardian(s) fails to inform Rochdale BC of any changes to their financial circumstances, Rochdale BC reserves the right to seek reimbursement of payments made to them, in circumstances where the change in financial circumstances would have resulted in a reduction in the level of financial support.

Where payments continue to be made to the Special Guardian(s) the reimbursement arrangements can be taken at an agreed amount on a weekly basis, or the Special Guardian (s) can choose to make a payment in full.

The level of financial support will be agreed prior to the Special Guardianship Order being granted, however the carers would not be able to apply for benefits until the child or children moved to live with them. Rochdale BC will pay the full rate of financial support as agreed until any benefit claim is processed, but would require the Special Guardian(s) to pay back any overpayment for the first 4 – 6 weeks it takes for the Benefit agency to process a claim.

Responsible Authority

Where the child was previously looked after, the assessment and provision of special guardianship support services remains the responsibility of the local authority where the child was last looked after for three years from the date of the order. This applies wherever the family live during this period. When the three year period from the making of the Special Guardianship Order has expired, the local authority where the special guardian lives is responsible for assessing and providing support services.

Where the child was not previously looked after, the local authority where the special guardian lives is always responsible for assessment and support. If the special guardian and his family move, then the responsibility passes to the new local authority. The local authority where the special guardian previously lived should co-operate as needed to ensure a smooth transition for the child.

Where a Special Guardianship Order allowance has been agreed the payment and annual review of this will remain the responsibility of the local authority that originally agreed it, for as long as the family in question qualifies for payments. However, if the need for the payment of allowance arises after the carer has moved out of the borough then the responsibility for assessing and meeting those needs will rest with the authority in whose area the child resides in line with Children in Need Procedures.

Qualifying Young People

Children who were 'Cared 4' immediately prior to becoming subject to a Special Guardianship Order may still be eligible for leaving care services as a Qualifying Young Person. In order to ascertain whether they do qualify for ongoing support services, advice and assistance under S24(1) of the Children Act 1989, as amended by the Children (Leaving Care) Act 2000 and the Adoption and Children Act 2002, an assessment must be undertaken. The criteria for an assessment is as follows: -

- Has reached the age of 16 but not the age of 21
- If less than 18 years old, has a Special Guardianship Order in force
- If 18 years old or above, had a Special Guardianship Order in force when they reached that age
- Has been looked after by the Local Authority immediately before the making of the Special Guardianship Order

Appeals and Complaints

Special Guardians may wish to make complaints/representations about aspects of their assessment or matters concerning ongoing support, decisions made about them or about children placed with them. If the matter cannot be resolved by discussions with the service then representation may be made in writing to:

Children's Social Care Services
Tel: 01706 647474
Email: social.services@rochdale.gov.uk



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Number One Riverside
Smith Street
Rochdale OL16 1XU

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Smith Street
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 council@rochdale.gov.uk

