

# Special Guardianship Order (SGO)

## Information Leaflet for Prospective Foster Carers

### **What is a Special Guardianship Order?**

It is a legal court order that provides legal long term security for children who cannot be cared for by birth parents. Special Guardianship Orders (SGOs) were introduced on 30.12.2005 by the Adoption and Children Act 2002 (England and Wales). A Special Guardian formally takes on the legal powers and responsibilities of parenting a child until their 18<sup>th</sup> birthday. The parental responsibility is shared with the child's birth parents, but the Special Guardian will have over-riding Parental Responsibility. The over-riding Parental Responsibility will allow the Special Guardian to make most decisions to do with the child's upbringing, including where the child lives and goes to school, and what medical treatment they receive.

### **What is the difference between Special Guardianship Order and adoption?**

Like an adoption order, Special Guardians have parental responsibility for the child but unlike adoption, the child still has a legal link to their birth parents. Unlike Adoption, the majority of the Special Guardians already have a connection to the child before Social Care becomes involved.

### **How do you become a Special Guardian?**

There are three routes:

1. Private application route: anyone who wants to gain over-riding parental responsibility and care for a child on a permanent basis, can apply as a private individual to the Court for a SGO, they will also need to notify the Local Authority of their intention to apply. This will trigger a 12 week assessment process. During this assessment process, the applicants can ask for a financial assessment and it will be at the discretion of the Local Authority to grant any SGO allowances.
2. Social Care involvement with the birth family (Looked after Child): the Local Authority may have concerns about the child's welfare and may be seeking an alternative permanent care arrangement for the child. In some cases, the child becomes a Looked after Child and the Local Authority will initiate a SGO assessment of potential carers. Some of those carers might start this process by being a Connected Carer (Fostering) for the child under Regulation 24. If a SGO is granted, they will make the transition from Connected Carers to SGO carers.

3. Social Care involvement with the birth family (non-Looked after Child): The Local Authority will have concerns about the child's welfare but the child remains with birth parents while they are assessing alternative care options. If the local authority identifies the appropriate carer, they will assist the carer to apply for a SGO.

### **What support does South Gloucestershire Council offer to Special Guardians?**

As the Special Guardians take on Parental Responsibility, they will lead a normal family life like everyone else in the community, therefore the Local Authority will cease to be involved unless the family has a need for ongoing support or support in the future. If that happens, they should contact the SGO social workers in the Fostering Team.

The support needs can be:

- Child's behaviour management
- Child's therapeutic needs including life story work.
- Issues around Family Time (Contact)
- Issues around education
- Issues around finance
- General advice, guidance and sign posting to other agencies and services

Often the support needs are met through focused intervention over a short period of time, the Local Authority will cease the involvement when the family no longer needs the support. All Special Guardians can refer themselves to this support service until the child is 18. Referrals should be made by email to [FPTDuty@southglos.gov.uk](mailto:FPTDuty@southglos.gov.uk) or by telephoning FPT Duty on 01454 868222

Other available support:

- South Gloucestershire runs regular Coffee mornings for Special Guardians to meet for peer support. They are held at Yate and Warmley.
- Regular SGO newsletters are sent to all our Special Guardians with up to date information and training opportunities. The dates for coffee mornings are in the newsletter.
- All Special Guardians are entitled to attend our full programme of training which is open to Connected Carers/Foster Carers/ Special Guardians.
- Access to the Adoption Support Fund. If a child is previously Looked After in Care (foster care or connected care), and then become subject to a SGO, they are entitled to apply to the Adoption Support Fund (Central government funding) in order to access therapeutic input.
- Advice on Pupil Premium Plus. If a child is previously Looked After in Care (foster care or connected care), and then become subject to a SGO, they are entitled to receive the central government's Pupil Premium Plus funding. This funding is provided directly to the school to support any additional educational needs. The SGO social workers can liaise with the school on how this funding is being spent.
- Access to FACS (Foster Carers' and Children's Support), a multi-skilled support service for children, young people and their carers.

- Membership to Family Action SGO Support Service, which includes out of hours support helpline.
- Membership to National Association of Therapeutic Parents which provides support, training and advice to all families of children who have suffered developmental trauma.
- Sign-posting to independent Mentoring Services for the children.

### **Financial Support**

- If the Special Guardian began caring for the child as a Connected Carer, they are eligible to receive their Fostering Fee and the Age Related Allowance for 2 years after the SGO is made. After the 2 years the fee will stop but they will continue to receive the Age Related Allowance until the child is 18. They are also entitled to request a financial assessment.
- If the Special Guardian was not previously a Connected Carer, they will be entitled to request a Financial Assessment. This assessment will only determine whether they will receive the Age Related Allowance. This is means-tested on a yearly basis. The carers are not entitled to the Fostering Fee.

### **Leaving Care Support**

When the child is due to turn 18, they are eligible to an assessment with the Leaving Care Team. This assessment will determine what support they may need to transition into adulthood, for example, college/university placements, independent living etc.

### **Personal Education Plans and Looked After Children Reviews**

As the Special Guardians take on Parental Responsibility, they will lead normal family lives like everyone else in the community hence the child will no longer require PEPs (personal education plans) or Looked after Children's reviews.