



Special Guardianship Financial Policy

**Southend Borough Council
Department for People**

Floor 7
Civic Offices
Victoria Avenue
Southend on Sea

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Telephone: 01702 212180
Website: www.southend.gov.uk

1. Introduction

Special Guardianship provides another permanency option for children and young people unable to live with their birth parents. The Adoption and Children Act 2002 (section 115) amended the Children Act 1989 (section 14) to introduce the legal framework for Special Guardianship. The Special Guardianship Regulations were issued in 2005 (amended in 2016) and the Special Guardianship Guidance amended in 2016 .

2. Principles

This policy is based on the following principles:

- That looked after children are entitled to plans for their long term care, which aim for permanence and offer stability and consistency into young adulthood and keep placement moves to a minimum
- Children and Young People should not remain in the public care system if there are viable alternatives
- Statutory intervention should be kept at the lowest possible level

3. Financial Support

The regulations state that financial support is payable to a Special Guardian or prospective Special Guardian to:

- Facilitate the arrangements for a person to become a Special Guardian of the child where the local authority considers this would be beneficial to the child's welfare, or
- To support the continuation of such arrangements after a Special Guardianship order is made.

Such support is payable only in the following circumstances:

- a) Where the local authority consider that it is necessary to ensure that the special guardian or prospective special guardian can look after the child
- b) Where the local authority consider that the child needs special care which requires a greater expenditure of resources than would otherwise be the case because of his illness, disability, emotional or behavioural difficulties or the consequences of his past abuse or neglect
- c) 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, as the case may be, associated with:

- The making of a special guardianship order or any application to vary or discharge such an order;
 - An application for an order under Section 8 of the Act;
 - An order for financial provision to be made to or for the benefit of the child;
or
- d) Where the local authority consider that it is appropriate to contribute to the expenditure necessary for the purposes of accommodating and maintaining the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after the child.

Regulation 13(2) does not allow local authorities to duplicate any payment which is available from other sources and, in assessing for support, the calculation must include any grants, benefits, allowances or resources available to the prospective special guardian.

Financial support will be considered against these criteria in each case and authorised by the Special Guardianship Panel.

Southend Borough Council's policy in relation to calculating proposed financial support under Special Guardianship Orders is means tested, as required by regulation (apart from fostering transition payments), and takes into account the needs of individual children and the circumstances of those persons who have applied for a Special Guardianship Order.

Southend calculates financial support using the fostering allowance paid to its local authority foster carers as its reference in the following way:

- Southend pays between 96% & 98% of the Fostering Network recommended rates to its foster carers. Using the National Expenditure and Food Survey and the McClements Equivalence Income Scales the Fostering Network established the cost of raising a child in this country, for the average family.
- The Fostering Network recommended fostering allowance rates are established at 50% higher than the nationally recommended core rate (of caring for a birth child) as a result of research into the costs of caring for a looked after child.
- The special guardianship allowance will be set between the core cost of caring for a child and the full fostering allowance dependent on the assessed individual needs of each child in acknowledgement that the child/ren may need special care which requires a greater expenditure of resources than would otherwise be the case.

The Council uses the Department for Education standard means test to calculate the Special Guardianship allowance that is payable. The allowance paid for the children will be reviewed annually, in line with regulatory requirements (Special Guardianship Regulations 2005(10)) and will take into account changing needs and circumstances.

In setting the Special Guardianship Allowance Southend acknowledges;

- the additional duties and tasks undertaken by foster carers which are not usually undertaken by Special Guardians
- The use of additional consumables in relation to foster children which lead to costs being incurred by foster carers which would not usually be incurred by Special Guardians.

The additional duties and tasks undertaken by foster carers which are not usually undertaken by Special Guardians include;

- maintaining an up to date, legible and accurate daily log
- preparing reports for Looked After Child Reviews
- maintaining the life story book and memory box, completing moving on tasks to support a child to move onto their permanent placement such as an adoptive placement
- being present for home visits by the child's Social Worker and supervising Social Worker, both announced and unannounced visits
- Complying with missing children's procedures for Looked after Children
- attending and assisting with the implementation of Personal Education Plans,
- attending statutory initial and review health assessments and adoption medicals
- Working towards the CWDC qualifications up to NVQ Level 3 (Foster Carer's Job Description, Foster Carer's Handbook, Southend Borough Council)

Oldfield's (1997) authoritative UK study states that foster carers are required to undertake 14 hours additional fostering tasks per week. These are tasks which are not usually undertaken by Special Guardians.

The additional consumables of foster children which lead to costs being incurred by foster carers and which would not usually be incurred by Special Guardians include;

- Higher consumption due to overeating and hoarding food
- Increased wearing down and damage to clothes, furnishings and toys due to destructive behaviour
- Higher Laundry costs
- Increased transport costs as foster child may not be able to attend the local school
- Foster child will require a separate room on a family holiday

It is recognised that each child has very individual needs and as such the additional costs incurred by a Special Guardian will vary from case to case. In each case a decision will be made as to the percentage of the full fostering allowance paid dependent of assessed need, but maximum payments will be based on a figure between the core cost of caring for a child and the full fostering allowance.

The Special Guardian must be prepared to fulfil their parental responsibilities throughout the child's childhood. Financial support will only be provided where the Special Guardian would be unable to provide adequately without such support. Where payable it can be paid until the child's eighteenth birthday if they

remain in full time education. However, allowances are usually considered initially for 2-5 years as a transition payment to allow the special guardian time to adjust to the cost of caring for the child. The continuation of this payment will be considered as a part of the annual review of the special guardianship support plan.

Special Guardianship Orders have been increasingly made nationally for children younger than was originally anticipated. For formerly looked after young children support will initially be made, where needed, until they reach school age when it is hoped their Guardian can gain employment to fit in with schooling as is the case in most families. It should be noted that unlike many foster carers, Special Guardians are able to take up employment opportunities outside the home as they are not required to fulfil the same duties and responsibilities as foster carers and will not be requested to take additional children into the home by the local authority.

The Special Guardian's means will always be considered when on-going financial support is being considered. They should therefore be asked to complete a Financial Assessment Form, which when completed should be passed to the Financial Officer responsible for carrying out means assessments. Once the means tested assessment has been carried out, the Finance Office should send written notification of the outcome to the relevant worker to form part of the Special Guardianship Support Plan to be presented to the Special Guardianship Panel. Following this Panel, the Group Manager for Placements & Resources will write to the Special Guardian setting out the amount of financial support that has been agreed and information in relation to the following:

- Whether financial support is to be paid in regular instalments and if so, the frequency of payment
- Whether a single payment has been agreed
- The amount of financial support
- The period for which the financial support is to be paid
- When payment will commence
- Conditions for continuing payment and date by which conditions are to be met, i.e. returning Review Forms
- Arrangements and procedure for review and termination

A copy of this letter should be sent to the Finance Officer together with a copy of any subsequent Court Order relating to this.

Means may be disregarded in relation to:

- The initial costs of accommodating a child who has been Looked After
- Recurring travel costs in contact arrangements
- Any special case requiring greater expenditure due to illness, disability, emotional or behavioural difficulties or the consequences of the past abuse or neglect of a child previously looked after

Where the Special Guardians were previously the child's foster carers, Southend Borough Council will pay a reducing transitional payment for a period of two years to ensure that the carer has time to make the necessary changes

to their finances by claiming statutory benefits. In exceptional circumstances the local authority will use its discretionary powers where the prospective SGO carer was previously the foster carer for the child and continue payments for an extended period of time.

The only circumstances when the local authority MUST disregard means is when providing financial support in respect of legal costs, including fees payable to a court in respect of a child who is Looked After where the local authority support the making of the Special Guardianship Order.

Where Special Guardians are in receipt of financial support, the worker responsible for monitoring the Support Plan will write annually to them with a Financial Assessment Review Form to be completed, together with a request for information about any change in circumstances for the Special Guardian or the child. The continuation of this payment will be considered as a part of the annual review of the special guardianship support plan.

If any change in financial support is considered appropriate, the recommended change should be forwarded to the Group Manager for consideration. Where a change is approved, the Special Guardian should be notified in writing of the change, together with the reasons for the change.

Where Special Guardians do not return the Assessment Review Forms within the required timescale, the worker monitoring the support plan should send a reminder letter, giving 28 days' notice of the suspension of payments if the information requested is not received.

The authority will allow for and take into account the exceptional needs of the child or any exceptional circumstances when considering financial support. A one off settling in payment can be agreed where this is required to support a family in setting up a home for the child. In exceptional circumstances a further one off payment can be made at any stage where this is necessary to support a carer with a specific expense, over and above any expense that would be incurred by any other family. Such payments will be dealt with on a case by case basis, but will always be assessed based on the needs of a child. An example where this may be agreed is where there are additional expenses to support contact arrangements with birth family.

Where the court makes a Child Arrangement Order within proceedings prior to the making of an SGO, and by doing so the carers would be financially disadvantaged (the fostering allowance would cease), Southend will wherever possible, start any agreed SGO support at that stage rather than waiting for the final SGO to be granted.

The local authority will give consideration to offering financial support if the child would have likely become looked after had an alternative order not been made.

An updated needs assessment will always be completed before any financial support ceases.

4. Government minimum recommended rates 2017/18

Age	Amount
0-4	£138/ £142
5-10	£158
11-15	£179
16+	£211

5. Core cost of caring for a child

The core cost of caring for a birth child against the 2017/18 Fostering Network Rates would be:

Age	Amount
0-4	98.00
5-10	110.00
11-15	124.66
16+	146.00

6. Southend Fostering Rates and Special Guardianship Rates

The following Fostering Allowances take effect from 1st April 2019.

	Age	Weekly Allowance £
Scale A	0 – 4	148.40
Scale B	5 – 10	167.44
Scale C	11 - 15	206.64
Scale D	16 – 18	249.62

Apart from the element of pocket money which should be given directly to the child from about the age of 5 upwards, Foster Carers can use the allowances at their discretion and with some degree of flexibility in order to benefit the Looked After Child in placement and to take into account the additional tasks expected of a foster carer and additional consumables.

An amount of £5.00 a week is expected to be saved by Foster Carers for children aged 10 years old and under, and £15.00 a week is expected to be saved for children aged 11 to 15 and £20.00 when the child reaches 16 years. All looked after children are expected to have a regular savings account.

Foster Carer's are also expected to provide a £10.00 a month mobile phone top-up for secondary school aged children, in order for the child to keep in contact with their Foster Carer.

Special Guardianship rates will be looked at on a case by case basis but will be set between the core cost of caring for a child and the full fostering rate, taking into

account the additional tasks expected of foster carers which are not usually undertaken by special guardians.

7. Calculations of financial support for special guardians

A needs assessment will be undertaken to identify any additional needs, over and above those for any other child of the same age which impacts on the cost of their care and which cannot be met through universal or targeted services.

This needs assessment will be presented to the special guardianship panel along with a draft support plan.

Where additional needs are clearly identified, the panel will request that a full financial assessment be undertaken. Recommendations will be made as to the level of support deemed necessary to meet the additional needs identified. This will usually be by way of either a one off payment or a time limited allowance, which can then be reviewed if additional needs are later identified and/or towards the time limit of the allowance.

The Special Guardianship Panel will agree in principle any payments to be made subject to the outcome of the financial assessment and non means tested payments to be made in line with regulations.

Following the outcome of the financial assessment a completed support plan, will be presented back to the panel, with the final SGO report to be formally agreed.

The financial assessment will be reviewed annually of March/April each year.

a. Relevant Legislation and Guidance

Adoption and Children Act 2002

Special Guardianship Regulations 2005

Special Guardianship (Amendment) Regulations 2016

Special Guardianship Guidance (as amended by the special guardianship (amendment) regulations 2016 – February 2016

National Minimum Adoption Standards 2011

Framework for the Assessment of Children in Need and their Families 2000



