

Special Guardianship Orders: Information and Support



SWINDON
BOROUGH COUNCIL

What is a Special Guardian?

A Special Guardian is usually someone with a close relationship to the child, such as a family member, former foster carer or family friend. They need to apply to the court which will consider their suitability and the child's needs, based on a report from the local authority.

Special Guardianship is a formal court order which places a child or young person with someone permanently and gives this person parental responsibility for the child. This could be a grandparent, close relative or a family friend.

Special Guardianship means that the child lives with carers who have parental responsibility for them until they are grown up. If the child was looked after before the Special Guardianship Order was granted, they will no longer be the responsibility of the local authority.

The order usually lasts until the child is 18 years old.



Who can apply to be a Special Guardian?

You can apply for a Special Guardianship Order if:

- you are a local authority foster carer and the child has lived with you for at least one year preceding the application
- the child has lived with you for three of the last five years (and the child has not stopped living with you more than three months before the application)
- you are the guardian of the child (you do not need to be related to the child)
- you have the consent of those who have parental responsibility for the child
- you have the consent of the local authority if the child is looked after
- you have a Child Arrangements Order or a Residence Order in respect of the child and you have the consent of the person in whose favour the order was made
- you have permission from the court to make the application

You must be over 18 and must not be the child's birth parent. You can apply jointly with one or more people. Joint applicants do not need to be married.

Why apply for a Special Guardianship Order?

A Special Guardianship Order has several potentially positive effects:

- it gives a child the security of a long-term placement
- the child's birth parents retain shared parental responsibility
- it gives the Special Guardian day-to-day control (jointly, if there are several Special Guardians)

Unlike adoption, a Special Guardianship Order will not remove parental responsibility from the child's birth parents. This means that the Special Guardian will have responsibility for the day-to-day decisions as well as all the important decisions about the child or young person, but will need to consult the birth parents at times where key decisions are being made such as changing their name, moving overseas or agreeing adoption.

Find out more about Special Guardianship, including the processes involved to apply to the court on the Child Law Advice website: <https://childlawadvice.org.uk/>

Our current offer to Special Guardians

- Dedicated team for Advice and Guidance**
- Birth Family Support**
- Comprehensive Training Program**
- Financial Support**
- Joining our support across the partnership**
- Linking support with Foster Carers**
- Support with Access to the Adoption Support Fund**
- Access to 1:1 Support in the home**
- Variety of Local Support Groups**



What Support is Available to me?

The SGO assessment will look at your support needs. A support plan will be prepared and agreed with you before the report is given to the court. This will include what support is available, for how long and review arrangements of the support. It may include some financial support which is means tested and on some occasions a settling in grant for the child may be paid. Any financial support paid will be reviewed on an annual basis and will be paid in accordance with Swindon's financial policy.

Our Special Guardians have access to a variety of services, our support offer includes:

General advice, guidance, and information around your role as a Special Guardian, including managing issues such as family time, education and behaviour.

If the child that you are caring for was 'looked after' prior to the Special Guardianship Order being granted, you are entitled to ask for an 'assessment of need' at any time.





Financial Support - Special Guardianship Allowance

Eligibility for a Special Guardianship Allowance is determined as part of a means-tested assessment, this means that we will assess the income that you have coming in when calculating any financial allowance. This is in line with the Special Guardianship Regulations, 2005. If your circumstances change you must inform us immediately.

Special Guardianship allowances are aligned with fostering allowances. Swindon Borough Council conducts annual financial assessments for Special Guardians and allowances are subject to annual review, we will write to you each year to ask if your circumstances have changed. You will need to respond if requested to do so, even if there have been no changes, to avoid any allowance that you currently receive being stopped.

If you are in receipt of full Universal Credit (i.e. not working) we will not means test and you will be provided with the full allowance (child benefit may be deducted).



The Adoption and Special Guardianship Support Fund (ASGSF)

The Adoption and Special Guardianship Support Fund (ASGSF) was established in April 2016 to fund support and therapeutic interventions for eligible families. The ASGSF has agreed to continue to fund support for families up to March 2025.

Is your family eligible for support?

If the child that you are caring for was looked after (in care) prior to the SGO being made, then they are entitled to the funding. The fund is available for children and young people up to and including the age of 21 (or 25 if they have an Education, Health and Care Plan).

How much funding is available?

The fund has two fair access limits:

- **£2,500 per child per year for specialist assessments**
- **£5,000 per child per year for therapeutic interventions**

The funding can be used for the following interventions for your family:

- **Specialist Assessments** to explore the child's trauma and attachment needs. This will then recommend potential therapies for the child and family moving forward. Unfortunately, standalone assessments for single conditions, i.e. ADHD, ASD, FASD, are out of scope for the fund so you will need to follow the normal referral route through the NHS for those. You will need to make an appointment with the child's GP to request an assessment via a paediatrician or CAMHS specialist in this instance.



Examples of Therapy available for your child** Available through the (ASGSF)

- **Creative Therapies**, including art, dance, drama, music, lego, mindful yoga.
- **Play Therapies**, including theraplay, filal therapy, and attachment play.
- **Life Story Work**
- **Psychotherapy (Talking Therapy)** including cognitive behavioural therapy, educational psychotherapy, eye movement desensitisation and reprocessing therapy, sensory processing and attachment therapies.
- **Therapeutic Short Breaks**





Support for your Family:

- **Parent Training Courses**, including Therapeutic parenting.
- **Family Therapies**, including Dyadic Developmental Psychotherapy and Child to Parent violence programmes.

The funding being applied for should help you and your child to achieve the following positive outcomes:

- **Improved strategies to support your child's wellbeing, to regulate their emotions and to manage their behaviour.**
- **Improved understanding of your child's behaviour and needs.**
- **Improved attachment, relationship and communication between you and your child.**
- **Improved relationships between your child and their peers, family members, teachers and school staff.**
- **Improved emotional regulation and behaviour management.**
- **Improved understanding and processing of their life story and family relationships.**
- **Improved engagement with learning.**
- **Improved confidence and ability to enjoy a positive family life and social relationships.**



General Support

As a Special Guardian, you have the same right to benefits and tax credits as a birth parent would. We recommend that you contact your local Citizens Advice Bureau in the first instance, they can help you to consider what support your family may be entitled to - You can also check your entitlement to income support by using the Turn2Us benefits calculator:

<https://benefits-calculator.turn2us.org.uk/>

You may also be eligible for additional financial support, such as:

Childcare - The government help eligible families with childcare costs. Check your eligibility at:

<https://www.childcarechoices.gov.uk/>

Cost of Living - If you claim certain benefits or tax credits, you may be eligible for an extra payment to help with the cost of living. This could include help with household costs, energy bills, childcare costs, transport costs, and income support.

<https://helpforhouseholds.campaign.gov.uk/>

or <https://www.citizensadvice.org.uk/debt-and-money/get-help-with-the-cost-of-living/>



Help with education:

Schools who have Previously looked after children on their roll receive pupil premium plus. This is additional funding given directly to schools and recognises that children who have spent time in care may need extra support in school as a result of their early experiences. The grant is currently £2,345 per eligible pupil per year and is for students from Reception class up to Year 11. In order to be eligible, students need to have been looked after by an English or Welsh local authority immediately before being adopted.

Parents and guardians must declare their child's adoptive, SGO or CAO status directly to the school before the school completes the October census. Schools will need to see evidence of this, such as a copy of the legal order, or a confirmation letter from the local council which placed their child. Parents will not need to declare their child's status again until the child changes school. They are not obliged to declare this information.

Pupil Premium money for previously looked after children goes directly to the school and is not ring-fenced for the individual child. It is good practice for schools to include parents and guardians in discussions around the most effective use of Pupil Premium Plus.

Examples of how some schools have used this additional funding:

- Extra one-to-one or small-group support for children within the classroom.

- Running catch-up sessions before or after school, for example for children who need extra help with maths or literacy.
- Running a school breakfast club or after school clubs to improve attendance.
- Providing extra tuition for able children.
- Providing music lessons for children whose families would be unable to pay for them.
- Funding educational trips and visits.
- Paying for additional help such as speech and language therapy.
- Funding English classes for children who speak another language at home.

School Placements

Previously Looked After children qualify for priority admissions into school. Please speak to your child's school in the first instance and make sure you include this on your school admissions form.

Special Educational Needs

Every child is entitled to an Individual Education Plan, which you can request from your child's school. This helps teaching staff to plan for and support your child, including strategies to help them learn and thrive.

If you are concerned that your child may have Special Educational Needs (SEN) then you should speak to your child's school in the first instance.

The Local Authority Virtual School team are happy to help with any concerns or enquiries that you have about your child's education. You can contact them on **07989 346763** or **vsadmin@swindon.gov.uk**



Additional resources and services offered:

Signposting you to organisations who specifically offer support and guidance to Special Guardians.

Advocating on your behalf to ensure that your family's voice is heard and decisions are made in your best interests.

Management of financial queries, including completing your annual financial assessment and access to additional financial support.

Signposting you to services who can support your family and support with accessing resources.

Details of our local Special Guardian support group.

Access to specialist online/face-to-face training and webinars on a variety of subjects.

Emotional support and a safe space to talk.

Networking events where you can connect with other Special Guardians.



Networking and Events

Having a good support network is crucial as a Special Guardian. We run monthly and annual events for Special Guardians and Kinship Carers, to give you the opportunity to meet and make connections with people who are in similar situations to you.

The SGO Support Service will send information out to carers about any events that we are holding.

Kinship care week is an annual celebration for us to raise awareness of the important role and challenges that Special Guardians and Kinship Carers face. The week is usually celebrated in October.





Maintaining links to your child's birth family:

Relationships between children and their birth family are an important part of their development and helps children to develop a sense of identity and understanding of their life and events within it. Where practical and safe it is important to encourage this family time and helps them to maintain links with their birth family.

Family time between children and their birth family is usually set as part of the SGO Support Plan, or the Child Arrangement Order this is usually a 'minimum' level of family time which is decided based on the child's best interest, the needs of your family and what you will be able to manage.

While special guardians have over riding parental responsibility so can plan and facilitate family time for their child at a time and frequency they feel is right for their child. We recognise that there will likely be occasions where the special guardian may need extra support when facilitating or planning family time:

There are different kinds of family time;

- **Direct family time which is face-to-face**
- **Indirect family time which can be telephone calls, video calls and/or letterbox.**

Family time can also be supervised or unsupervised, as well as held in the community, at home, or in a family time centre. Some carers are managing daily family time, weekly, monthly, or annually. A minimum level is set out

in the SGO support plan which is court directed. Anything over and above the agreed frequency can be decided by Special Guardians. Family circumstances and the wishes and feelings of children can change over time as they grow older.

- **Birth Parents would like more family time with the children.**
- **The children don't want to have family time with specific people.**
- **The Special Guardians feel unable to manage or supervise family time.**
- **The current arrangements aren't working for either or both party.**
- **An incident happened during family time that worried someone.**

There are other reasons which may mean the family time arrangements may need to be reviewed the SGO team can offer advice and support you with this.





Mediation

Sometimes relationships between family members can become strained, especially if you disagree about something related to a child. If you feel that the issues that cannot be resolved within your family, you may wish to explore mediation to support you to talk through the issues and come to a mutual resolution – it's important that everyone is on the same page and that all decisions are made in the best interests of the child.

Family Mediation is a process where a mediator supports you to work out arrangements about a child, they are there to help you work through disagreements and find solutions that work for both parties.



How does mediation work?

A trained independent mediator will complete a Mediation Information and Assessment Meeting (known as a MIAM) with both parties, to find out more about your situation and assess whether mediation is an appropriate option based on your circumstances.

In mediation, you can still come to a resolution without being in the same room or space with the other person – the mediator can work through the disagreement without you being in direct contact.

The Family Mediation Council (**www.familymediationcouncil.org.uk**) and National Family Mediation Service (www.nfm.org.uk) are useful organisations to contact for advice.

Swindon also has in house Restorative Conference Team who offer a restorative family conference to help resolve some of the issues faced within families.





Legal Information

The Ministry of Justice are running a time-limited Family Mediation Voucher Scheme to support families to resolve their family law disputes outside of court. If you are eligible, you could receive a financial contribution of up to £500 towards the costs of mediation. Find out more at: <https://www.gov.uk/guidance/family-mediation-voucher-scheme>

Legal Advice

If mediation does not work it can be useful to seek legal advice in relation to family time, especially if there are difficulties surrounding this, for example it may be that the birth parents are requesting more family time with the child however you may not feel it is in the child best interests. The SGO service can signpost you to a list of family law solicitors in Swindon, should you need one.

Alternatively, you can search for a solicitor:

- Kinship provides a list of solicitors on their website: <https://kinship.org.uk/for-kinship-carers/get-more-support/lawyers-list/>
- The Law Society provide a list of solicitors on their website: www.lawsociety.org.uk and selecting the “choosing and using” option at the top of the page followed by “find a solicitor”.





Training and Further Support

We have a comprehensive training offer which is updated regularly via our website. Training is tailored to your needs - We offer you a learn for you passport to keep a track of all the training that you complete. Swindon will also signpost you to other support services that may be available to you. Updates and further information can be found at: https://www.swindon.gov.uk/info/20115/foster_with_swindon/1288/kinship/2



Accessing SGO advice and support services

- 1)** You are able to self-refer into the SGO team. To do this please contact us via email sgosupportduty@swindon.gov.uk or our dedicated phone line 01793 465700 we will take some brief information from you and offer immediate advice, signing posting to the correct universal service or voluntary agency.
- 2)** Where there is a requirement to complete and assessment of need we will schedule in a time to have an initial conversation and possible home visit to discuss your situation/needs and to answer any questions that you may have.
- 3)** If a more formal intervention is required from the SGO team then a practitioner will be allocated to you and your family. We will put together an action plan and maintain regular communication for a maximum 12 week period.

- 4) Once the initial 12-week period has ended, we will review your assessment of need and, if further actions are required, we can extend support for an agreed additional number of weeks.
- 5) Even after your intervention has been closed, you can contact our service again if you need to. The process will restart.

Where there is a need for a multi-agency approach in providing support and services from our partner colleagues this will be achieved through working together to offer additional support to the child and their special guardians.

If you would like further support please contact us at **sgosupportduty@swindon.gov.uk** or telephone **01793 465700**.

If you have a query related to an SGO allowance, email **sgofinance@swindon.gov.uk**.



