

## Special Guardianship Orders



## **Introduction**

You are being assessed as a potential alternative carer for your family member or a child or children known to you. This is because the Local Authority has made an application to the court for an order as there are concerns about the child's or children's welfare or because you have made an application to court to care for the child yourself.

The assessment of you will be detailed and takes between 14 to 16 weeks. If you are living with a partner or have a partner who will have caring responsibilities for the child, this will be a joint assessment and will include information about both of you about your past and present lives.

There are two types of arrangements under which you could care – either as a Special Guardian or as a Local Authority foster carer. To help you understand, these arrangements and to help you think about which would be best for the child, we have set out below the differences between caring for a child as a Special Guardian under a Special Guardianship Order or as a foster carer under a Care Order.

Research suggests that children living with family members, rather than 'mainstream' foster carers, are more likely to have better life outcomes in their health, employment and education. Family carers, whether foster carers or Special Guardians provide a sense of belonging, which helps children to feel safe, build resilience and develop a healthy sense of self and their own identity.

## **What are the children's views?**

Many children and young people have said that they are happier living with their forever family under a Special Guardianship Order rather than a Care Order as they no longer have visits from Social Workers and no longer need to ask their Social Worker permission to do things as their Guardians can give consent. They don't feel different to their friends and can get on with family life.

## **What is a Care Order?**

A Care Order is a court order, which places a child under the care of the Local Authority. This is otherwise known as a child "being in care". The order is applied for by the Local Authority due to concerns around the welfare of a child. Once a Care Order has been made by the Court, the Local Authority gains Parental Responsibility (PR), which is shared with parents but not with foster carers. Usually at the beginning of care proceedings an Interim Care Order would be granted by the Court while assessments are completed. At the end of the care proceedings, if it is assessed that a Care Order needs to continue to be in place, the Interim Care Order would end and a Care Order would be made.

When a Court makes a Care Order, the Local Authority becomes responsible for a child. They share responsibility for the child with the parents. They decide where the child lives and the child's school. A Care Order can last until a child is eighteen years old.

**What is a Special Guardianship Order?**

A Special Guardianship Order (SGO) is an order of the Court, which grants the Special Guardian overriding Parental Responsibility for a child(ren) until they reach the age of eighteen years old. If the child was subject to an (Interim) Care Order before the SGO was made, the SGO replaces the (Interim) Care Order, meaning that the Local Authority no longer has Parental Responsibility for that child(ren).

<b>Special Guardianship Order (SGO)</b>	<b>Care Order</b>
<p>An SGO is a permanent Order, which details where the child or children will live until they are eighteen years old, providing them with stability and security. The Local Authority will no longer share Parental Responsibility (PR), and so there will not be direct social work involvement. The Special Guardian will gain PR and is able to exercise Parental Responsibility to the exclusion of any other person with PR (apart from another Special Guardian) except for:</p> <ul style="list-style-type: none"> <li>-Taking the child out of the country for more than three months.</li> <li>-Changing a child's surname.</li> <li>-Giving consent to a child being placed for adoption.</li> </ul>	<p>Foster carers are paid by the Local Authority to care for Looked After Children. They do not have any Parental Responsibility for the children. There will be regular visits from the Supervising Social Worker at least two of these will be unannounced per year. Foster carers must attend regular training every year that they are approved and must maintain daily records. The approval as a foster carer will be reviewed every year by an Independent Panel or Reviewing Officers.</p> <p>The child or children will have a Child's Social Worker who will oversee their care plan and will work closely with the foster carer and all involved professionals. Significantly, any important decisions relating to the child would need the approval of the Local Authority. For example:</p> <ul style="list-style-type: none"> <li>-Changes of school and decisions about the child's Education plan and oversight of pupil premium plus funding.</li> <li>-Taking a holiday in term time.</li> <li>-Inform Child Social Worker and Fostering Service of plans to take</li> </ul>

	<p>child(ren) on holiday for more than two nights.</p> <p>Consent for some medical treatment. Carers must also inform Child Social Worker of illness/hospitalisation or outpatient treatments.</p> <p>-Inform Child's Social Worker for child(ren) to stay overnight without their carer(s).</p> <p>-Authorisation letter required from the Service Lead to take a child(ren) on holiday outside of the UK.</p>
<p>If it is assessed that the child requires therapeutic support the Local Authority may make an application to the Special Guardianship/Adoption Support Fund for therapy. Of note this is not available to children who are cared for on a Care Order or not previously looked after.</p>	<p>If it is assessed that the child requires therapeutic support a referral may be made by the Child's Social Worker. The Child's Social Worker would have to get agreement from the Local Authority to fund this.</p> <p>There is no access to the Special Guardianship / Adoption Support Fund for children on a Care Order.</p>
<p>There is an expectation that Special Guardians will promote the child's relationship with their parents and significant family members by making sure that the child spends time with them. The Local Authority can provide mediation to assist with family time arrangements.</p>	<p>There is an expectation that foster carers will promote the child's relationship with their parents and significant family members by making sure that the child spends time with them. Foster carers must co-operate with and promote the family time arranged by the Child's Social Worker.</p>
<p>Special Guardians will oversee the day-to-day care of the child(ren) without the intrusion of social care involvement unless any safeguarding concerns arise about their care of the child. If a parent wishes to discharge an SGO, they will have to make an application to Court.</p> <p>The special guardianship support plan which was agreed in Court can be reviewed and updated annually.</p>	<p>A Child's Social Worker will continue to review the child's care plan, and a Supervising Social Worker and Independent Reviewing Officer will continue to review the placement. Foster carers will be expected to prepare for and attend Annual Review Panels to consider if they are still suitable to foster.</p> <p>Parents may request an assessment for their child to be rehabilitated back into their care, which will be the decision of the Local Authority.</p>
<p>The Local Authority has a duty to provide services to Special Guardians. This means that Special Guardians</p>	<p>Foster carers are expected to access to support groups and on-going support from Supervising Social Worker.</p>

<p>have access to support groups, training, advice, and information.</p>	<p>There is a requirement to attend mandatory and any specific training to meet the needs of the child(ren). Foster carers must be available for regular supervisory visits and unannounced visits from a social worker.</p>
<p>Special Guardians are entitled to a means tested financial assessment, which is carried out on an annual basis. The financial assessment considers the Local Authority's foster carer allowances and state benefits payable to the Guardians of the child.</p> <p>If the Guardian/s have previously been approved as foster carers, they will receive the equivalent to the fostering allowance for two years. After two years, financial assessments will be carried out annually.</p>	<p>Foster carers receive a fortnightly allowance in line with the Local Authority payment scale for foster carers.</p>
<p>The Local Authority will fund a one-off appointment for the Guardian's to get legal advice around the support plan before the Special Guardianship Order is made.</p> <p>Special Guardians of previously looked after children can be satisfied that the child's School will still be able to access Pupil Premium Plus funding to support the child's needs in Education.</p>	

## Special Guardianship Support

Special Guardianship Social Workers are on hand to provide advice, information, and support if this is needed. Other support includes:

- needs assessment
- training
- means tested financial support
- monthly support groups
- discounted gym memberships
- therapeutic support through the special guardianship/ adoption support fund (if child was a looked after child before the SGO)
- family time- supporting with difficulties around family time, this could be doing some mediation.

- school, supporting with any difficulties in school, this could include setting up a meeting with school to look at the difficulties and how we can move forward.
- mediation
- review of the special guardianship support plan

**If you would like any further information, please contact 01942 487200 or email [sgoteam@wigan.gov.uk](mailto:sgoteam@wigan.gov.uk).**

### **Links to other resources:**

**[Kinship](#)**

**[Family Rights Group](#)**

**[Kinship Carers UK](#)**