

2e) Practical and financial support for special guardians

Kinship carers are family members and friends raising children unable to live with their parents. This advice sheet is about special guardianship. Special guardianship is one type of kinship care arrangement. It is put in place when the Family Court makes a special guardianship order. If you are looking for information and advice about the different types of kinship care arrangement that exist, you can find this on our [Kinship carers](#) page.

About this advice sheet

This advice sheet is one in a series of five which look at special guardianship. This sheet is for relatives or friends who want information about the practical and financial support they may receive when a special guardianship order is made. It may be helpful for special guardians as well as those thinking through their options. You may want to start by looking at advice sheet [2a\) Special guardianship: an introduction](#).

The other advice sheets in this series are:

- 2a) Special guardianship: an introduction
- 2b) Special guardianship: what does it mean for birth parents?
- 2c) DIY special guardianship orders: care proceedings
- 2d) DIY special guardianship orders: private law proceedings

They are all available to read on our [Advice sheets](#) page.

This advice sheet looks at:

- 1. [Where is the law about special guardianship found?](#)
- 2. [What support services can children's services provide to special guardians?](#)
- 3. [How can special guardians find out what help is available in their area?](#)

Financial support

- 4. [What kind of financial support may children's services give to a special guardian?](#)
- 5. [Does the special guardian's financial situation affect whether they receive financial support from children's services?](#)
- 6. [What happens if a special guardian's financial situation changes?](#)
- 7. [What are the rules about tax liability, benefits and special guardianship allowances?](#)

Assessment for support services

- 8. [Who can ask for an assessment for support services?](#)
- 9. [What does an assessment of support services involve?](#)
- 10. [What if children's services refuse to carry out an assessment?](#)
- 11. [What if children's services say, after the assessment, that no support is needed?](#)
- 12. [Can support be removed, or changed, at a later date?](#)
- 13. [What happens if the special guardian and the child move to a different area?](#)

Parental leave, education support, therapy, and the Adoption Support Fund

14. [Do special guardians get parental leave?](#)
15. [What support is available to help special guardians with pre-school education/childcare?](#)
16. [Is there help available for special guardians when a child is about to start school or is at school?](#)
17. [Can special guardians get financial help for the child to be in further or higher education?](#)
18. [Will a child being raised by a special guardian be able to access any therapeutic support?](#)
19. [What is the Adoption Support Fund? Who is eligible?](#)

Where to get further information, advice and support

1. Where is the law about special guardianship found?

The law about special guardianship orders is found in three main places:

- The Children Act 1989.¹
- In regulations called the Special Guardianship Regulations 2005.²
- In government guidance called the Special Guardianship Guidance 2017.³ This is [statutory guidance](#). Children's services must have regard to it. The courts have said this means it should be followed unless there is good reason not to (R v Islington LBC ex p Rixon [1998] 1 CCLR 119).

2. What support services can children's services provide to special guardians?

Whether a child is placed with a special guardian following care proceedings, or if a relative or friend has made their own application for a special guardianship order, children's services will have been involved. The child may or may not have been looked after by children's services and this can affect the type and level of support that their special guardian receives.

In England, if a child is described as a looked after child it means that either:

- Children's services are providing the child with a place to live. This might be with unrelated foster carers, for example.
- Or that a place to live and carer for the child has been arranged by children's services and is supported by children's services. An example is a grandparent who has been assessed and approved by children's services as a kinship foster carer for a child.

Some looked after children enter or remain in the care system under a court order. This is because the Family Court has decided that is in their best interests. And that children's services should have parental responsibility for them. But some children in England are looked after in the care system under a voluntary arrangement. A voluntary arrangement can be put in place without any court oversight. It is not a court order. Children's services do not have parental responsibility for a child looked after under a voluntary arrangement.

¹ See the [Children Act 1989](#)

² See the [Special Guardianship Regulations 2005 \(as amended\)](#)

³ See the [Special Guardianship Guidance 2017](#)

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The law says that children's services must make arrangements to help people in their area who are affected by special guardianship. This can mean support services for the child, the special guardian or the child's parents. These services can be provided by children's services directly, or support may be provided by another organisation (such as a charity) on behalf of children's services.⁴

The kinds of support they can provide includes the following:

- Financial help.
- Help to enable the child, their parents and the special guardian to discuss things related to special guardianship. This might include support groups for special guardians set up by children's services, or support groups for parents whose children have moved to live with a special guardian.
- Help with arrangements for the child to stay in touch with their parents, and other people who are important to them (often referred to as 'contact arrangements'). This help can include:⁵
 - Cash to help with the costs of contact, and
 - Mediation to help resolve difficulties which may arise in relation to contact. Family mediation involves a trained independent person helping family members find possible solutions for a child. Their role is to keep the discussion focussed on resolving the areas of disagreement. The mediator is neutral and does not take sides. It is the people taking part in the mediation rather than the mediator who make plans for the child.
- Therapeutic help for the child.
- Support for the special guardian to have a positive relationship with the child. This might include:
 - Respite care (we refer to this as 'short breaks' care) where the child could stay with an approved foster carer for a few days.
 - Training for the special guardian, to help them meet the child's needs.
- Other counselling, advice, information or other support services that will help the special guardian and the child.

3. How can special guardians find out what help is available in their area?

All children's services departments in England are required to have a policy about the support they provide to family and friends carers. This includes the support they will provide to special guardians.⁶ Special guardians should ask the child's social worker for a copy of the family and friends care policy. If a children's services department has published their family and friends care policy, it can also be found on the [Local Authority Kinship Policies and Contacts](#) page of the Family Rights Group website.

During the assessment of a potential special guardian, the social worker should explain what support children's services would be able to provide to the carer and the child if special guardianship proceeded. During the assessment, it is a good idea for the person being assessed to ask the social worker to assess their support needs, and those of the child. It is a good idea to put this request in writing, either in a letter or email to the social worker.

⁴ See the [Section 14F of the Children Act 1989](#), [Regulation 3 of the Special Guardianship Regulations 2005](#) and [paragraph 24 of the Special Guardianship Guidance](#)

⁵ See [regulation 3 of the Special Guardianship Regulations 2005](#)

⁶ See [paragraph 4.2 of the Family and Friends Care Statutory Guidance](#)

Financial support

4. What kind of financial support may children's services give to a special guardian?

Government guidance says that financial issues should not be a reason for a special guardianship arrangement failing to survive.⁷

The Special Guardianship Regulations 2005 provide that children's services can give financial help to special guardians in certain circumstances:

- Where financial support is necessary to enable them to become a special guardian and to support the arrangements once the order is made.
- Where the child has a need for special care arising from an illness, disability, or from them having emotional or behavioural difficulties.⁸
- Where children's services consider it appropriate to help with legal costs of the application for special guardianship or other order relating to the care of the child.
- Where children's services think the special guardian needs help towards the cost of accommodating and maintaining the child. This could be a single payment or regular instalments.⁹

5. Does a special guardian's financial situation affect whether they receive financial support from children's services?

Yes. To work out the amount of financial support needed, government regulations say children's services must normally take account of the person's means.¹⁰ This includes:

- What money they have, including their income and any savings.
- Whether or not they have a right to any benefits or tax credits.
- What they need to meet their reasonable outgoings and financial commitments.
- Any specific financial needs relating to the child. For example, if they have health needs which require a special diet.

There are some exceptions to this however – see below.

Government [statutory guidance](#) about special guardianship says that when deciding how much financial support to provide, children's services should be guided by the amount of the foster care allowance they would pay you if you were fostering the child.¹¹ It says:

'In determining the amount of any ongoing financial support, the local authority should have regard to the amount of fostering allowance which would have been payable if the child were fostered. The local authority's core allowance plus any

⁷ See [paragraph 37 of the Special Guardianship Guidance](#)

⁸ See [regulation 6 of the Special Guardianship Regulations 2005](#)

⁹ See [regulation 8 and Regulation 13 of the Special Guardianship Regulations 2005](#)

¹⁰ See [regulation 13 \(2\) and 13\(3\) of the Special Guardianship Regulations 2005](#)

¹¹ See [paragraph 65 of the Special Guardianship Guidance](#) and the cases of: [R\(B\) v Lewisham LBC \(2008\) EWHC 738](#); and [Barrett v Kirklees Metropolitan Borough Council \[2010\] EWHC 467 \(Admin\)](#), and [R \(TT\) v London Borough of Merton \[2012\] EWHC 2055 \(Admin\)](#). See also the [Local Government Ombudsman report - Firm Foundations](#) which, at page 11, deals with the issue of the level of financial assistance to special guardians and what is required of children's services departments.

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enhancement that would be payable in respect of the particular child, will make up the maximum payment the local authority could consider paying the family. Any means test carried out as appropriate to the circumstances would use this maximum payment as a basis.⁷

A number of court decisions have made clear that:

- There should be a close association between fostering allowance rates and special guardianship allowance rates.
- Children's services are expected to use national minimum fostering rates as a starting point for special guardianship allowance.
- Children's services must follow the guidance unless there is good reason not to.¹²

There are exceptions to the normal rules about taking the special guardian's finances into account. Children's services do not have to consider someone's financial situation before providing financial help with any of these things:

- Legal costs to apply for a special guardianship order for a child who is [looked after](#).
- Any set up costs relating to the child's move to the special guardian's household.
- Any special care costs associated with raising a child who has, in the past, been looked after in the care system.
- Where they are considering including an additional reward element that the special guardian previously received as part of a previous fostering allowance (for up to two years or longer in exceptional circumstances).¹³
- Any costs to support contact arrangements.¹⁴

6. What happens if a special guardian's financial situation changes?

Any special guardian who is paid financial support regularly (for example, each month), must tell children's services if their circumstances change. They must also provide an annual financial statement of their financial circumstances and the financial needs of the child.¹⁵

If they not do this, children's services must send them a written reminder. If they do not send in this financial statement within a further 28 days, children's services may suspend or end the financial help they provide.¹⁶

7. What are the rules about tax liability, benefits and special guardianship allowances?

When someone receives a special guardianship allowance:

1. They do not have to pay income tax on their special guardianship allowance received from children's services.
2. They can claim child benefit for the child they are caring for under a special guardianship order.
3. Once a child has been with their special guardian for 56 days in the last 16 weeks, their parent (or previous carer) is no longer entitled to child benefit for them. The parent's claim for child benefit will end sooner than 56 days if the special guardian makes

¹² See the cases of: [R\(B\) v Lewisham LBC \(2008\) EWHC 738](#); and [Barrett v Kirklees Metropolitan Borough Council \[2010\] EWHC 467 \(Admin\)](#), and [R \(TT\) v London Borough of Merton \[2012\] EWHC 2055 \(Admin\)](#). See also the [Local Government Ombudsman report - Firm Foundations](#) which, at page 11, deals with the issue of the level of financial assistance to special guardians and what is required of children's services department.

¹³ See [regulation 7 of the Special Guardianship Regulations 2005](#)

¹⁴ See [regulation 13\(5\)\(ii\) of the Special Guardianship Regulations](#) and [paragraph 27 of the Special Guardianship Guidance](#)

¹⁵ See [regulation 10 of the Special Guardianship Regulations](#)

¹⁶ See [regulation 10 of the Special Guardianship Regulations](#)

a claim themselves and the parent agrees to the transfer of the child benefit claim to the special guardian. The child benefit will continue to go to the parent for three weeks, and then will be transferred to the new carer. In the event of a dispute, HMRC will decide on the competing claims. To claim child benefit, complete form CH2. This can be done online at:

<https://www.gov.uk/child-benefit/how-to-claim> or you can phone 0300 200 3100 and ask for the paper form.

4. Getting child benefit, if they already get other benefits and tax credits, might mean a special guardian becomes subject to the benefit cap.¹⁷
5. Children's services may take into account benefit and tax credit entitlement when assessing what financial support they will provide by way of special guardianship allowance.
6. Children's services should not, however, deduct child benefit from the special guardianship allowance if the special guardian is receiving income support.¹⁸ However, universal credit has now replaced income support for many people. The law and guidance is not clear as to whether child benefit should be deducted if the special guardian is receiving universal credit. In principle, they should be treated the same, but law and guidance does not specifically say that children's services must treat universal credit in the same way as income support.
7. Special guardianship allowance is disregarded (ignored) when assessing entitlement to means tested benefits and tax credits.
8. Eligibility to child tax credit and universal credit has been limited to two children within the household since 6 April 2017. This means that the third or any subsequent children born on or after this date are not be eligible for further support. However, kinship children including those under a special guardianship order are exempt from this limit. This is regardless of the number of children already living in the household or the order in which the kinship children and other children join the household.
9. Becoming a special guardian after being a foster carer can bring significant changes to your rights to claim. For example, a foster carer generally does not have to look for work as a condition of getting universal credit until the child they foster reaches 16. A special guardian may have to do so once a child reaches 3, although they are allowed 12 months grace after the order is made before that is applied if the child is older. On the other side of the coin, a foster carer is only 'allowed' one spare bedroom for being a foster carer when claiming universal credit or housing benefit. Kinship children are classed as ordinary members of the family so may be entitled to more than one bedroom, depending on age, sex and number of other children in the family.
10. Further advice on paying tax and claiming tax credits should be sought from HMRC, or on claiming benefits from DWP or an independent advice service.

One issue that has caused confusion has been whether local councils should take disability benefits into account, being paid for either the child or the special guardian, when assessing what financial support to offer. FRG's view is that in neither circumstance should the special guardian's allowance be taken into account. Please call our advice line if this happens to you.

There is sometimes confusion between special guardians allowance (from the council) and guardians allowance, a benefit paid by HMRC as a supplement to child benefit to people caring for a child in certain cases related to parental bereavement (<https://www.gov.uk/guardians-allowance>) Some guardians could receive both.

For more information about welfare benefits and kinship care see our advice sheet [2h\) Welfare benefits for kinship carers.](#)

¹⁷ **The benefit cap** puts an overall limit on the amount of benefit income a household can receive from universal credit and child benefit. Or, if the parent is still on legacy benefits, the cap applies to their tax credits, housing benefit, income support, jobseekers' allowance and child benefit. Some people are exempt from the benefit cap. For example, where a claimant or child is disabled or they earn over a set amount each week. Currently, the total, weekly benefit income cap for people with children is: £384 outside London and £442 inside (£20,000/£23,000 a year respectively) .

¹⁸ See the [Local Government Ombudsman report no 12006209](#)

Assessment for support services

8. Who can ask for an assessment for support services?

If the child was [looked after](#) before the special guardianship order was made, children's services must carry out an assessment of need for support when asked to do so by:

- The parent
- The child who is subject to the special guardianship order and/or
- The special guardian.¹⁹

If the child was not looked after by children's services before the special guardianship order was made, children's services may carry out an assessment of the need for support when asked to do so by the same people.²⁰ But they do not have to.

Children's services may also carry out an assessment for support services, if asked by anyone else who they think has a significant and on-going relationship with the child.²¹

9. What does an assessment of support services involve?

The assessment of the child's needs will be carried out following the local protocol for assessment that should follow central government guidance.²² But it will involve a social worker meeting with the special guardian to discuss what they think they need to help them look after the child.²³

At the end of the assessment, children's services must draw up a written report setting out what they have found out about the special guardian and the child's needs. If they decide, as a result of the assessment, that the special guardian does need support, they should send a draft support plan.

The plan should set out:²⁴

- What services are to be provided.
- How children's services will know if the support has been successful.
- When the support is to be provided and for how long.
- How children's services will make decisions regarding whether the support should continue.
- The person responsible for looking after and helping to arrange the support.

The special guardian has 28 days to comment on this plan before it is finalised.²⁵ They should also be told where you can get independent advice and advocacy at this stage.

¹⁹ See [section 14F of the Children Act 1989](#) and [regulation 11 of the Special Guardianship Regulations 2005](#)

²⁰ See [section 14F of the Children Act 1989](#) and [Regulation 11 of the Special Guardianship Regulations 2005](#)

²¹ See [section 14F \(4\) of the Children Act 1989](#) and [Regulation 11 of the Special Guardianship Regulations 2005](#)

²² See [paragraphs 46 and 47 of Working Together to Safeguard Children 2018](#)

²³ See [regulation 12 of the Special Guardianship Regulations 2005](#)

²⁴ See [paragraph 70 of the Special Guardianship Guidance](#)

²⁵ See [regulation 14](#) and [Regulation 15 of the Special Guardianship Regulations 2005](#)

10. What if children's services refuse to carry out an assessment?

Children's services must provide the special guardian with reasons for refusing.²⁶ They then have 28 days to challenge this refusal. Special guardians may also want to consider making a complaint. See our [Complaints](#) page for more information.

11. What if children's services say, after the assessment, that no support is needed?

If children's services decide that no support is necessary, they must:

- Notify the special guardian of their intention to refuse support.
- Tell them how they can make representations to them if they don't agree with their decision and
- Tell them how long you have to do this (normally it must be within 28 days).²⁷

The special guardian can ask to be referred to the 'post order team', or specific 'kinship care team' within children's services. There should also be a designated lead on family and friends care and it may be helpful to refer any concerns to them.

If after the special guardian has made representations, children's services still refuse them support, they unfortunately do not have a right to appeal. But if this decision appears to be unreasonable, they could take advice about making a complaint. See our page about [Complaints](#) for more information. Or they could approach a solicitor to see whether there may be grounds for judicial review. See our advice sheet [5a\) Judicial Review for more information](#).

12. Can support be removed, or changed, at a later date?

Support plans can change, if the special guardian's circumstances change. The support plan drawn up by children's services will be reviewed at least every year, when there is a change in circumstances and/or if they think it is necessary.²⁸

If children's services plan to vary or end the help they are providing, they must tell the special guardian and give them an opportunity to comment before they finalise their decision.

²⁶ See [regulation 11 of the Special Guardianship Regulations 2005](#)

²⁷ See [section 14F \(5\) of the Children Act 1989](#) and [Regulation 15 of the Special Guardianship Regulations 2005](#)

²⁸ See [regulation 17 of the Special Guardianship Regulations 2005](#)

13. What happens if the special guardian and the child move to a different area?

What happens will depend on whether the child was looked after in the care system before the order was made.

If the child was looked after in the care system before the special guardianship order was made:

- The children's services department which was looking after the child, before the special guardianship order was made, is responsible for providing non-financial support services.
- This responsibility continues even if the child moves to a new local authority area.²⁹
- This responsibility remains for a period of three years.
- After that time, responsibility for support passes to the local council area in which the child now lives.³⁰
- Any financial support agreed prior to the special guardianship being made, remains the responsibility of the local council children's services department that was looking after the child before the special guardianship order was made.³¹

If the child was not looked after in the care system before the special guardianship order was made:

- Responsibility for all special guardianship support lies with the local council area in which the child now lives.³²
- The law clearly sets out all of these responsibilities in the Children Act 1989 and also in the Special Guardianship Regulations 2005.³³ But often children's services departments will still argue over which of them has responsibility.

Judges in the Family Court have repeatedly stated that:

- This is a matter for the local authorities to work out between themselves
- Special guardians should not miss out on support whilst the authorities decide which one is responsible.³⁴

²⁹See [section 14F of the Children Act 1989](#) and [Regulation 5 of the Special Guardianship Regulations 2005](#) and [Suffolk CC v Nottinghamshire CC \[2012\] EWCA Civ 1640](#)

³⁰ See [regulation 5 \(2\) of the Special Guardianship Regulations 2005](#)

³¹ See [regulation 5 \(2\) of the Special Guardianship Regulations 2005](#)

³² See [section 14F of the Children Act 1989](#)

³³ See [paragraph 37 of the Special Guardianship Guidance 2005](#)

³⁴ See the case of [Suffolk CC v Nottinghamshire CC \[2012\] EWCA Civ 1640](#)

Parental leave, education support, therapy, and the Adoption Support Fund



14. Do special guardians get parental leave?

There is no specific equivalent to, for example, paid adoption leave. But special guardians may be entitled to parental leave. Parental leave offers 'parents' who qualify, the right to take unpaid time off work to look after their child or make arrangements for their welfare.³⁵ Take a look at <https://www.gov.uk/parental-leave/eligibility> to see whether in your precise situation you will qualify.

The amount of parental leave a carer can take varies:

- Someone who has been working for their employer for 12 months or more, and who has (or expects to have) parental responsibility for a child can have up to 18 weeks of unpaid time off work
- No more than 4 weeks of parental leave can be taken in a year, unless the employer agrees otherwise
- Time off should be taken in blocks of one week not as individual days
- A 'week' is the number of days worked in the carers normal working week¹¹
- An employer must be given 21 days' notice of the date the leave is planned to start, but this doesn't have to be in writing
- If the child is disabled, 18 weeks of unpaid parental leave can be taken before the child turns 18.

The rules about parental leave come from [The Maternity and Parental Leave Regulations 1999 in regulations 13 to 16](#) (and in schedule 2). But helpful, clear information is available at: <https://www.gov.uk/parental-leave>

³⁵ See [regulation 13 of the Maternity and Parental Leave Regulations 1999](#)

15. What support is available to help special guardians with pre-school education/childcare?

Free pre-school education for eligible two-year-olds

If the child was previously looked after in the care system and left under a special guardianship order, they will be entitled to **15 hours of free pre-school education for a two-year old child**.³⁶ This can be provided by nurseries, pre-schools, playgroups, children's centres and childminders who are approved providers.

Even if the child was not previously looked after, the special guardian may be entitled to this free childcare if they are in receipt of one of the following benefits:

- Universal Credit with household income of £15,400 a year or less after tax, not including benefit payments
- A 'legacy benefit', such as:
 - Income support
 - Income-based jobseekers' allowance
 - Income-related Employment and Support Allowance
 - Support through part 6 of the Immigration and Asylum Act
 - The guaranteed element of State Pension Credit
 - Child Tax Credit (but not Working Tax Credit) and have an annual income not over £ £16,190
 - The Working Tax Credit 4-week run on (the payment you get when you stop qualifying for Working Tax Credit)

A child being raised by a special guardian will also be eligible for the free 15 hours for their two-year-old if:

- The child has a current statement of Special Education Needs (SEN) or an [education health and care plan](#), or
- They get [Disability Living Allowance](#)

Two-year-olds are also entitled if they have left care under an adoption order, special guardianship order or a child arrangements order.

Children become eligible for this free provision on a particular date after their 2nd birthday. The dates they become eligible are:

- 1st April, for children born between 1st January and 31st March.
- 1st September, for children born between 1st April and 31st August.
- 1st January for children born between 1st September and 31st December.

Free pre-school education for eligible three and four-year-olds

All children aged three or four can be provided with up to 15 hours per week of free pre-school education. Again, this can be provided by nurseries, pre-schools, playgroups, children's centres and childminders.

³⁶ See <https://www.gov.uk/help-with-childcare-costs/free-childcare-2-year-olds>

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Children become eligible for this free provision on a particular date after their 3rd birthday. The dates they become eligible are:

- 1st April, for children born between 1st January and 31st March.
- 1st September, for children born between 1st April and 31st August.
- 1st January for children born between 1st September and 31st December.

Some three- and four-year-olds will be able to access 30 hours of free pre-school education – eligibility for that depends on whether the carer is working and their income amongst other things.

For more detailed information about the free 15 hours of childcare available to all three and four year olds see our advice sheet [2i\) The education system in England: information for kinship carers](#).

16. Is there help available for special guardians when a child is about to start school or is at school?

- **Priority school admissions.** All state schools must have oversubscription criteria for each 'relevant age group'. The highest priority must be given to looked after children and all previously looked after children, including those who are now the subject of a special guardianship order.³⁷ They must be given [priority for admission to the school of their carer's choice](#)
- **Pupil Premium Plus** should be allocated direct to the child's school for a child who was looked after in care and is now being raised by a kinship carer under either a child arrangements, special guardianship order or a residence order. The amount is currently £2410 per child.
 - The kinship carer is responsible for making the child's school aware that the child is:
 - Being cared for in kinship care and under one of those court orders and
 - That the school may therefore claim Pupil Premium Plus.
 - It is very important that kinship carers in this situation do let the school know in this. Pupil Premium Plus is under-claimed from Government by schools, especially by secondary schools
 - Pupil Premium funds for previously looked after children are allocated directly to the school. The school directly manages the funds. The Virtual School/Virtual School Head is not involved
 - The child's designated teacher should involve the kinship carer in deciding how Pupil Premium Plus is used to support the child. That teacher should be the main point of contact for queries about the Pupil Premium Plus funds and how they are used
 - But Pupil Premium Plus is not a personal budget for individual children. So the school may choose to use it in a way that they think benefits all previously looked-after children and according to children's needs. Please see [government guidance](#).
 - . For more information about Pupil Premium Plus for previously looked after children, please see this [government guidance](#).

³⁷ See the [School Admissions Code Statutory guidance for admission authorities, governing bodies, local authorities, schools adjudicators and admission appeals panels](#)

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- **A designated member of school staff to promote their educational achievement.** They have responsibility for ensuring school staff understand and are supportive of children who were previously in the care system and are adopted or being raised by kinship carers under a legal order (including a special guardianship order). This person leads on how the child's personal education plan is developed and used in school to make sure the child's progress towards education targets is monitored. This teacher will be a point of contact for the special guardian, should educational or pastoral difficulties arise and they will have specific input as to how the Pupil Premium Plus should be spent to support the child.
- **Setting-up costs such as school uniforms.** These can be provided as a one-off and are not subject to a test of the special guardians' finances.
- **Free school meals.** All child in England in Reception, Year 1 and Year 2 in a state-school receive free school meals.

Some children qualify for free school meals after Year 2. This is where their carer is:

- Getting income support, income-related employment and support allowance, the guaranteed credit of pension credit or income-based jobseeker's allowance or
- Getting support under Part VI of the Immigration and Asylum Act 1999 or
- Subject to "no recourse to public funds" restrictions but subject to certain income limits
- Claiming child tax credit (but not working tax credit) and your annual income is below £16,190
- Getting universal credit. You will only get free school meals if your earnings are below £7400 a year

If you were getting free school meals before April 1st 2018 because you were getting universal credit, you remain entitled until the child finishes the phase of schooling (primary or secondary) they're in on 31 March 2023.

A free school meals 'checker' is available on the gov.uk website [here](#). Use this to:

- Check if the child you are/will be caring for can get free school meals in England, and
- Find out how to apply on your local council website.

Special guardians (or prospective special guardians) looking for information to help them understand the education system may find it helpful to look at advice sheet [2h\) The education system in England: information for kinship carers](#).

17. Can special guardians get financial help for the child to be in further or higher education?

Different possible sources of financial help with further or higher education are show below:

Source of financial help for further or higher education	Key information
Bursary scheme	<p>There is a scheme in place for some 16-19-year olds who continue their education after GCSEs. It is administered by colleges on a discretionary basis. Each college should have their own policy on how the bursary is awarded. Young people who are subject to a special guardianship order do not necessarily have a right to it (although those still in care or 18 -19-year-old care-leavers do), but it is worth asking their college for a copy of their eligibility criteria to see if it includes young people in family and friends care. For further information go to:</p> <p>http://www.direct.gov.uk/en/EducationAndLearning/14To19/MoneyToLearn/16to19bursary/DG_066955</p>
University loans and grants	<p>A student applying for university financial support is assessed on the basis of their parents' income.³⁸ A parent is defined as a natural or adoptive parent. The regulations do not say there should be an assessment of other carers' income. So, carers with a special guardianship order should not be liable for university expenses.</p> <p>If the student is 'independent', they will not be financially assessed on their parents' income. A student is treated as 'independent' where:³⁹</p> <ul style="list-style-type: none"> • The young person is estranged from their parents (in the opinion of the Secretary of State). • The young person's parents have both died. • The young person was looked after by children's services for 3 months ending on or after his/her 16th birthday. <p>In most special guardianship order cases, the young person should be able to satisfy the 'independent student' category. This will then mean they will be eligible for financial assistance.</p> <p>Further information can be found at: http://www.direct.gov.uk/en/educationandlearning/index.htm and special guardians can seek further advice from the educational body or university the young person is applying to.</p>
Support from children's services beyond their minority	<p>If the child was looked after by children's services before the special guardianship order was made, they may a 'qualifying young person'. This means they have a right, between the age of 16 and 21, to advice and assistance from children's services (which last looked after them) to make their own arrangements when moving into independent living.⁴⁰</p> <p>If they are under 25 and in full time education, this can include advising and befriending, financial support and vacation accommodation for the young person.</p> <p>The first step is to identify whether a child or young person qualifies for advice and assistance and if they do, what advice and assistance the child or young person is entitled to. There are a number of potential different categories of a young person to consider. For more information, see our advice sheets 4b) Children's services duties to young people leaving care and 4c) Financial support for young people leaving care.</p>

³⁸ See [schedule 4, paragraph 3 of the The Education \(Student Support\) Regulations 2011](#)

³⁹ See [schedule 4, paragraph 2 of the The Education \(Student Support\) Regulations 2011](#)

⁴⁰ See [section 24 \(1A\) \(a\) of the Children Act 1989](#), [section 24A of the Children Act 1989](#), [section 24B of the Children Act 1989](#) and [regulation 22 of the Special Guardianship Regulations 2005](#)

18. Will the child or young person be eligible to access any therapeutic support?

Children's services are required to make a range of support services available in their area to meet the needs of people affected by special guardianship. This includes therapeutic support. In addition, children may be eligible to support for these services from the Adoption Support Fund.

19. What is the Adoption Support Fund? Who is eligible?

The Adoption Support Fund pays for a range of therapeutic support for adopted children and their adoptive family. It can also be used to pay for therapeutic support for children cared for by special guardians who are eligible. The fund is continuing until April 2022.

Special guardians would need to answer the following questions when considering the child's eligibility:

- a) Was the child looked after by children's services immediately before the special guardianship order was made? Or
- b) Did the child leave care under a child arrangements order while the special guardianship assessment was taking place?
- c) Is the child struggling to cope, or do they or the guardian's household need support to help the child?
- d) Is the child aged 21 or younger? Or are they up to 25, but have a Statement of Special Educational Needs or an Education, Health and Care Plan?

If the answer to all of these questions is yes, then the special guardian and the child will be eligible to be assessed for therapeutic services paid for by the Adoption Support Fund.

An assessment of the family's support needs has to be done by children's services to start the process. Where the assessment identifies that the therapeutic services funded by the Adoption Support Fund would be beneficial to the family, the local authority will apply to the Fund on the guardian's behalf, who will then release funding to the local authority which uses the fund to commission and pay the agreed provider of services.

Information about the assessment process, the services that can be funded and other useful details are available in the Adoption Support Fund section of our [Kinship carers](#) page.

Where to get further information, advice and support

From Family Rights Group

1. For information about welfare benefits and one-off sources of financial assistance when raising a child in kinship care see advice sheet [2h\) Welfare benefits for kinship carers](#)
2. Special guardians, or those thinking about becoming special guardians, looking for information to help them understand the education system may find it helpful to look at advice sheet [2h\) The education system in England: information for kinship carers.](#)
3. You may want to visit our [Useful links page](#). This lists information and contact details for over 70 organisations may be helpful to families, including kinship carers.
4. Special guardians and prospective special guardians in need of further advice about the support for special guardians and the children they care for, can:
 - Post a question on our [Kinship Carers Forum](#) and receive advice from one of Family Rights Group's expert advisers. If they need further or more detailed advice then:
 - Contact us – Family Rights Group's specialist legal and practice advice line on 0808 801 0366 (the advice line is open Monday to Friday, from 9.30am to 3pm (excluding bank holidays)
 - Take legal advice from a solicitor. Find a solicitor who is a specialist in children law. Or who has '[Children Law Accreditation](#)'. To find a solicitor, search using the 'how to find a solicitor' function on the [Law Society website](#). And see our Working with a solicitor guide on our [Top tips and templates](#) page for more information about finding and working with a solicitor.

From other organisations

See the next page.

Organisation	Contact Information
<p>Citizens Advice</p> <p>An independent organisation providing free, confidential and impartial advice. Their goal is to help everyone find a way forward, whatever problem they face.</p>	<p>Website: https://www.citizensadvice.org.uk</p> <p>Telephone:</p> <ul style="list-style-type: none"> For England telephone: 03444 111 444 For Wales telephone: 03444 77 2020 Text Relay users should telephone: 03444 111 445
<p>Civil Legal Advice</p> <p>A free and confidential advice service run on behalf of the government. It provides information directly to the public on a range of common legal issues, helps people find out if they are eligible for free legal advice from a solicitor and helps them find a solicitor.</p>	<p>Website: https://www.gov.uk/civil-legal-advice/</p> <p>Telephone:</p> <ul style="list-style-type: none"> 0345 345 4345 - Monday to Friday, 9 am to 8 pm and Saturday 9am to 12.30pm Text 'legal aid' and your name to 80010 to ask Civil Legal Advice to call you back. This costs the same as a normal text message.
<p>Coram Children's Legal Centre</p> <p>Its Child Law Advice Service provides legal advice and information on areas of children and family law.</p>	<p>Website: https://www.childrenslegalcentre.com</p> <p>Email advice: https://childlawadvice.org.uk/email-advice-family</p> <p>Telephone: 0300 330 5480 – Monday to Friday, 8am to 6pm</p>
<p>Kinship (formerly Grandparents Plus)</p> <p>Works to raise the profile of, and, support kinship carers in their homes and communities, giving advice and helping them to work through problems to find the best way forward. And to connect carers together in a national community and network of local support groups.</p>	<p>Website: https://www.kinship.org.uk</p> <p>Email: advice@kinship.org.uk</p> <p>Advice and Information: 0300 123 7015 (Open Monday – Friday 10am-3pm.)</p>
<p>The Law Society of England and Wales</p> <p>The Law Society is the independent professional body for solicitors. Its website hosts the 'Find a Solicitor' tool. This is a free service for anyone looking for information about organisations or people providing legal services in England and Wales that are regulated by the Solicitors Regulation Authority (SRA). Search for a solicitor who is a specialist in children law. Or who has 'Children Law Accreditation'.</p>	<p>Website:</p> <ul style="list-style-type: none"> Homepage: https://www.lawsociety.org.uk/ Find a Solicitor: https://solicitors.lawsociety.org.uk/ <p>Email: info.services@lawsociety.org.uk</p> <p>Telephone:</p> <ul style="list-style-type: none"> Tel: 020 7242 1222 Minicom: 0870 600 1560