

Bath and North East Somerset Council: Kinship Strategy 2021-22

Contents

Introduction.....	3
Viability Assessments.....	3
Temporary approval of connected carers.....	4
Full kinship assessment.....	4
Special Guardianship.....	6
Child Arrangements Orders, Private Fostering and other arrangements.....	8
Private Fostering.....	8
Unapproved placements during proceedings.....	9
Kinship Support Services.....	10
Entitlement to Assessment for Special Guardianship Support.....	11
Assessment for Support.....	13
The Special Guardianship Support Plan.....	14
Review of Special Guardianship Support Plan.....	17
Financial Support.....	18
Urgent Cases.....	21
Appendix 1: Regulation 24 flowchart	
Appendix 2: Family Group Conferencing	

Introduction

Bath and North East Somerset Council are committed to supporting children and young people who cannot live with their parents to live within their wider family or extended kinship network, wherever possible. This may be under any of the following legal arrangements:

- Special Guardianship Order.
- Child Arrangements Order;
- Private Fostering;
- Unapproved placements during proceedings.

For the avoidance of doubt, a child is any child or young person under the age of 18 years.

The provision of assessment and support is enshrined in law with regards to Special Guardianship. However, Bath and North East Somerset Council is committed to supporting all young people living within kinship arrangements. Assessment and support are provided by the Family Placement Team.

Viability assessments

Viability assessments are the initial assessment undertaken by the Local Authority when alternative care is being considered for a child or young person. Interim Guidance on Special Guardianship, Courts and Tribunals Judiciary (May 2019) has confirmed that alternative potential carers should be identified at an early stage – including through pre-proceedings where possible and by convening a Family Group Conference.

The child's social worker should complete a viability stage 1 assessment at the earliest opportunity. This should include taking basic details from the prospective carer, and confirmation that they wish to proceed. Local Authority checks should also be undertaken. If there are any issues arising from these checks, these should be discussed with the prospective carer.

Viability stage 1 assessments should be completed as soon as possible, but no later than [insert timescale] in the case of pre-proceedings, and within [insert timescale] of care proceedings being issued. The Family Placement Team Manager will then allocate the viability stage 2 assessment to a Family Placement Social Worker for completion within 2 weeks.

Temporary approval of connected carers

A regulation 24 assessment combines stage 1 & 2 of the viability process to assess whether family members/connected persons are suitable to offer immediate care. In emergency situations where a Local Authority wants to place child(ren) with connected carers who are not approved fosters carers, temporary approval can be given by the Agency Decision Maker. This should be used exceptionally and where there are clearly identified reasons why the full assessment process cannot be undertaken, for example to minimise moves for a child. If Children's Services are involved in any way in facilitating the placement of children then it must be assessed and appropriately regulated. Section 20 consent is also needed unless a court order is in place. Appendix 1 sets out the process for regulation 24 assessment.

Full kinship assessment

A full kinship assessment may be undertaken in the following circumstances:

- A positive viability assessment undertaken in pre-proceedings;
- A special guardianship assessment is directed by the Court;
- The prospective special guardian provides notice that they intend to make a private application for special guardianship.

Kinship assessments of prospective special guardians should be completed within 12 weeks of completion of the viability assessment.

Kinship assessments of regulation 24 carers should be completed within 16 weeks of the regulation 24 assessment. This is to allow for the support and supervision of carers alongside the assessment, to ensure that the children's need are met.

Any person making a private application for a Special Guardianship Order must give 3 months' written notice to their local authority of their intention to apply. In relation to a Looked After Child, the notice will go to the local authority looking after the child. In all other cases, the notice will be sent to the local authority for the area where the applicant resides. The local authority receiving the notice will then have a duty to provide a report to the Court.

The only exception to the requirement for 3 months' notice is where the Court has granted leave to make an application and waived the notice period.

Where the local authority has received notice from an applicant or a request for a report from the Court, it should send written information about the steps it proposes

to take in preparing the report to the prospective Special Guardian and the parents of the child in question. This should include information about Special Guardianship support services and how to request an assessment of needs for support.

The outcome of this assessment could be:

- A recommendation of the kinship carer to be approved as a foster carer, to be considered at fostering panel.
- A recommendation for a Special Guardianship Order.
- A recommendation for a Child Arrangements Order.
- A negative assessment.

The social worker or social workers preparing the Court report should be suitably qualified and experienced. There are no specific requirements as to the level of qualification or experience required and it will be for the manager of the relevant social work team to ensure that the allocated worker is competent to write the report.

In all cases there will need to be:

- An assessment of the current and likely future needs of the child (including any harm the child has suffered and any risk of future harm posed by the child's parents, relatives or any other person the local authority considers relevant).
- An assessment of the prospective carer's parenting capacity including:
 - Their understanding of, and ability to meet, the child's current and likely future needs, particularly any needs the child may have arising from harm that the child has suffered.
 - Their understanding of, and ability to protect the child from any current or future risk of harm posed by the child's parents, relatives or any other person the local authority consider relevant, particularly in relation to contact between any such person and the child.
 - Their ability and suitability to bring up the child until the child reaches the age of eighteen.
 - An Assessment of the proposed contact arrangements and the support needs of the child, parents and the prospective special guardian.
 - The assessment of the applicants should include their medical history, the references received, and the Disclosure and Barring Service and other statutory checks undertaken for the assessment.

If the child is Looked After and the application has been agreed as part of the child's Permanence Plan, the assessments will usually have been undertaken and the outcomes agreed as part of the permanence planning for the child, in which case there will be no need to hold a planning meeting.

Assessments should be evidence-based and child-focussed. Before the assessment, the prospective carers should be provided with full information about:

- What the assessment will involve.
- The time and commitment needed from them.
- A letter should be sent explaining the expectations of the carers and what they should think about during the process.

The assessment should carefully balance the strengths families may have; any existing relationships they have with the child and the significance for the child of remaining within their family and network, against the carers' capacity to meet the assessed needs and the challenges that a particular child may bring on a long-term basis and until their 18th birthday.

The child's Looked After Review should make a recommendation regarding the outcome of the Care proceedings for the child's Care Plan and this should be approved by the Designated Manager (Special Guardianship).

Final recommendations should not be made until the essential tasks and activities for a full family and friends' assessment are completed. The prospective carers should have time to read the assessment report before it is filed and comment on the report. Following the filing of the report, the prospective carers should be given the opportunity to seek independent advice and legal advice to understand fully the implications of any Orders made and if need be, make applications of their own.

A Special Guardianship Support Plan will need to be provided around the time of filing the kinship assessment and its recommendation, detailing the support to be provided to the carers and the child and include contact for the child with their birth parents. The potential applicants should be able to seek legal advice about the Support Plan.

The social worker or social workers preparing the Court report should be suitably qualified and experienced. Once completed, the Court Report should be submitted by the author(s) to their line manager(s) for approval.

Special Guardianship

Special Guardianship offers an option for children needing permanent care outside their birth family. It can offer greater security without absolute severance from the birth family as in adoption.

It can meet the needs of a significant group of children, mainly older, who need a sense of stability and security but who do not wish to make the absolute legal break with their birth family that is associated with adoption.

It also provides an alternative for achieving permanence in families where adoption, for cultural or religious reasons, is not an option.

A Special Guardianship Order offers greater stability and legal security to a placement than a Child Arrangements Order.

Children subject to a Special Guardianship Order are eligible as Previously Looked After Children for additional support with their education (Sections 20(4) and 20A(4) of the Children and Young Persons Act 2008), when they have been previously subject to a care order.

Special Guardians have Parental Responsibility for the child and, whilst this is shared with the child's parents, the Special Guardian has the ability to exercise this responsibility without seeking permission from the parents.

A Special Guardianship Order made with respect to a child who is the subject of a Care Order or for an order for contact to a child in care discharges those orders.

A Care Order, however, does not automatically revoke a Special Guardianship Order although the Special Guardian's exercise of Parental Responsibility is restricted as the local authority has primary responsibility for decision-making under the Care Order.

Applications for Special Guardianship may be individual or joint. Joint applicants do not need to be married. Special Guardians must be 18 or over and must not be a parent of the child in question.

Subject to giving notice to the relevant local authority, the following people are entitled to apply for a Special Guardianship Order without needing to first seek the leave of the court:

- Any guardian of the child.
- Any person who is named in a Child Arrangements Order as a person with whom the child is to live.
- Any person who has the consent of each person named in a Child Arrangements Order as a person with whom the child is to live.

- Anyone with whom the child has lived for a period of at least 3 years (which need not be continuous but must not have begun more than 5 years before, or ended more than 3 months before, the making of the application).
- A relative with whom the child has lived for a period of at least 1 year immediately preceding the application.
- Where the child is in the care of a local authority, any person who has the consent of the local authority.
- Any person who has the consent of all those with parental responsibility for the child.
- Any other person aged 18 or over (other than a parent) may apply for a Special Guardianship Order if he or she has the leave of the court to make the application.

The Court may make a Special Guardianship Order in any family proceedings concerning the welfare of the child. This applies even where no application has been made and includes adoption proceedings.

Child Arrangements Orders, Private Fostering and other arrangements

Special Guardianship Orders first became common in kinship arrangements in 2005-2010. However, they have increased in recent years. They are also more likely to be made for young children. In some cases, the Local Authority will complete a negative assessment of a prospective Special Guardian, but the Court will deem this the best place for a child and make a Child Arrangements Order. Therefore, many vulnerable young people are subject to Child Arrangements Orders, or no order and are living within private fostering arrangements. In Bath and North East Somerset, the Family Placement Team will seek to support these families on an equitable basis to those with Special Guardianship Orders.

Private Fostering

Private fostering arrangements are subject to the National Minimum Standards for Private Fostering (Department for Education, 2011). Children who are privately fostered will have an allocated worker and will be subject to regular visits. Within Bath and North East Somerset Council, many private fostering arrangements are for overseas secondary school students residing with host families. This strategy does not apply to them as they are not living within kinship arrangements. The annual report for Private Fostering details how we manage these cases. However, children and young people who are privately fostered within their network may be at increased risk of harm. These children will receive visits at a minimum of 4 weekly,

as identified in the private fostering assessment. The overall purpose of all visits is to encourage the maintenance and improvement of childcare standards and check that the child's needs are met within the private foster placement. Additionally, privately fostered children and their carers will be able to access support services as identified on page [insert page] of this strategy.

Unapproved placements during proceedings

There are a small number of cases each year in Bath & North East Somerset Council where carers are assessed under regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010, and these assessments are negative. However, on occasion, the Local Authority or indeed the Court, take the view that this remains the best placement for the child. This can mean that the child is placed under section 38(6) of the Children Act 1989 or Interim Supervision Orders. In some cases, the Agency Decision Maker may accept that the placement is unlawful.

There are also some children whose placements pre-date Local Authority intervention and may be considered private family arrangements.

In many of these arrangements, the child or young person is more vulnerable than if the assessment had been approved. Therefore, it would not be in children and young people's best interests for family placement support to be withheld.

In many cases, a full kinship assessment is still directed or required. This means that a Family Placement Team Social Worker is allocated. In these cases, the Social Worker will provide the same level of supervision as under regulation 24. The frequency and nature of visits is triaged by the Family Placement Team Manager when the management decision is recorded on LCS. In cases where there are significant vulnerabilities, this will be at least weekly. This will also be the case if assessments are not being completed, although such cases will be rare.

If the Court directs an Independent Social Work assessment, then the Family Placement Team will allocate the case to a Deputy Team Manager for oversight.

These carers can continue to access Adventures with Friends, the Out of Hours Service and Family Placement training.

Financial support will be provided under section 17 of the Children Act 1989 and will be decided by the Head of Service for Safeguarding Outcomes.

In cases where the carer is a risk to children, the Family Placement Team will not be involved, and any work would be completed as part of the child's safeguarding plan.

Kinship Support Services

A local authority must make arrangements for the provision for a range of support services in their area to meet the needs of people affected by Special Guardianship.

Special Guardianship support services are defined as:

- Financial support (see Section 14, Financial Support).
- Services to enable groups of children for whom a Special Guardianship Order is in force (or in respect of whom such an Order is being formally considered), special guardians, prospective special guardians and parents of the child to discuss matters relating to special guardianship.
- Assistance, including mediation services, in relation to contact between the child and their parents or relatives or any other person with whom the child has a relationship that the local authority considers to be beneficial to the welfare of the child.
- Therapeutic services for the child.
- Assistance for the purpose of ensuring the continuance of the relationship between the child and his/her special guardian or prospective special guardian, including training for the special guardian or prospective special guardian to meet any special needs of the child; respite care; and mediation in relation to matters relating to Special Guardianship Orders.
- Counselling, advice and information.

Where the support provided includes respite care requiring the provision of accommodation, the child must be Looked After for the duration of the period of respite care to ensure that appropriate safeguards are in place.

Special Guardianship Support will be subject to the approval of the Designated Manager (Special Guardianship Support). This may be delegated to the Family Placement Team when outside of care proceedings.

The provision of any services (other than counselling, advice and information) may include cash assistance (for example cash to pay a babysitter to facilitate a break etc.). When cash is provided in this way it should not be means tested as it is being given as part of a service rather than as financial support.

Support services should not be seen in isolation from mainstream services, and it is important to ensure that families are assisted in accessing mainstream services and are aware of their entitlements to tax credits and social security benefits.

Where the child was previously Looked After, responsibility for the assessment and provision of services for the child, the Special Guardian and any children of the Special Guardian all remain the responsibility of the local authority where the child was last Looked After for 3 years after the making of a Special Guardianship Order. Thereafter the local authority where the Special Guardian lives will be responsible for assessing and providing support services.

If a child is not Looked After, the local authority where the Special Guardian lives has the responsibility for assessing and providing support services. This includes assessment and any support that is needed by the child's relatives who may live elsewhere. If the special guardian and his/her family move, then the responsibility passes to the new local authority. The local authority where the special guardian previously lived should cooperate as needed to ensure a smooth transition for the child.

Ongoing financial support (i.e. that paid on a regular basis), which was agreed before the Special Guardianship Order was made, remains the responsibility of the local authority that agreed it so long as the family qualify for payments.

Local authorities may also provide services to people outside their area in other circumstances where the authority considers it appropriate. For example, transitional arrangements by the originating authority where a family move to allow time for the new authority to review the family's existing plan without a break in service provision.

In addition to the support provided by local authorities, the Adoption Support Fund in England also covers therapeutic support for children, living in England, who were previously in care immediately before the making of a Special Guardianship Order.

Based on the assessment of needs, local authorities can apply for funding from the Adoption Support Fund.

Bath and North East Somerset Council are committed to providing these services to all children living within kinship arrangements.

Entitlement to Assessment for Special Guardianship Support

Where the child is Looked After or was Looked After immediately prior to the making of the Special Guardianship Order, the following people **MUST** receive an assessment at their request:

- The child.
- The Special Guardian or prospective Special Guardian.
- A parent.

In Bath and North East Somerset, the Family Placement Team aim to offer an assessment of support needs to the Special Guardian, child, parent or anyone with a significant ongoing relationship with the child whether the child was previously looked after or not. Assessments of support will also be offered for those families where children are subject to Child Arrangement Orders if those Orders were made in public proceedings.

The following people also **MAY** be offered an assessment of their need for Special Guardianship support services:

- A child of the Special Guardian.
- Any person with a significant ongoing relationship with the child.

For Children subject to Special Guardianship Orders and Child Arrangement Orders made in public proceedings by other Local Authorities to carers residing in Bath and North East Somerset, assessments of support needs will be offered if required 3 years after the original Order was made. Prior to this time any support needs assessment is the responsibility of the Local Authority responsible for the proceedings.

Where public proceedings issued by Bath and North East Somerset resulted in the making of a Special Guardianship Order or Child Arrangements Order to carers residing outside the Bath and North East Somerset Locality, we take responsibility for assessing and providing for the support needs of those families for three years after proceedings. After this time responsibility transfers to the local authority in which they live. This is with the exception of financial support which remains the responsibility of Bath and North East Somerset for the entirety of the child's minority.

If the Family Placement Team decides not to assess in cases where they have discretion as above, they must notify the decision in writing, including reasons for the

decision, to the person making the request. The person who requested the assessment must be allowed at least 28 days to make representations in relation to the decision.

It will not always be necessary to undertake an assessment before providing information, advice or counselling services. However, if the local authority is considering providing any of the support services (see listing above) then a full assessment should be carried out. However, where a request relates to a particular service or where it is clear that a particular service is what is required, then the assessment process can be limited to looking at the need for that service.

Assessment for Support

Once a referral is received for support for a Special Guardian or Child Arrangements Order family, a Special Guardianship Order support plan request is started by the duty social worker. The support plan is referred to as this regardless of the legal order in place. Advice and information can be provided at this stage, no further action may be taken, or a full assessment of support needs may be requested. The Family Placement Team Duty Social Worker aim to complete the Special Guardianship Order support plan request within 1 day of referral. The Family Placement Team manager will then allocate to a Social Worker or Family Support Practitioner depending on the level of complexity to complete the assessment within 1 week. The assessment should be completed within a maximum 45 days from referral.

The assessment should be based on the Assessment Framework and include the following:

- The developmental needs of the child.
- The child's educational needs.
- The parenting capacity of the Special Guardian or prospective Special Guardian.
- Family and environmental factors that have shaped the life of the child.
- What the life of the child might be like with the proposed Special Guardian.
- Any previous assessments undertaken in respect of the child, the Special Guardian or the prospective Special Guardian.
- The needs of the Special Guardian or prospective Special Guardian and their family.
- The likely impact of the Special Guardianship Order on any pre-existing relationship between the child, parent and Special Guardian.

Assessments for special guardianship support services should follow the guidance set out in, and use the domains of, the Assessment Framework, recognising that the context is different from that for birth families. This takes into account the child's developmental needs, the parenting capacity of the special guardian and consideration of the family and environmental factors that together help to explain the child's life so far and what life might be like with the new family.

Consultation with the relevant Clinical Commissioning Group and Local Education Authority should form part of the assessment process, and the person whose needs are being assessed should be interviewed unless the assessment relates only to information and advice or unless it is not appropriate to interview a child. In this case the child's actual or prospective special guardian may be interviewed.

The assessment process should be flexible and should not delay provision of appropriate services.

After the assessment has been undertaken the local authority is required to prepare a written report of the assessment.

Special Guardianship Support will be subject to the approval of the Designated Manager (Special Guardianship Support). This may be delegated to the Family Placement Team when outside of care proceedings.

At the end of the assessment and once the necessary approval has been obtained, the social worker must inform the person requesting provision of its outcome, including:

- Information about the outcome of the assessment and the reasons for it;
- Where it relates to financial support, the basis on which this is determined;
- The services (if any) that the local authority proposes to provide to help meet the child's needs;
- If financial support is to be paid, the amount and conditions attached.

The Special Guardianship Support Plan

Where an assessment identifies the need for ongoing support services, a Special Guardianship Support Plan must be completed.

Other agencies, such as education and health, may need to be consulted about the contents of the Plan.

As a Previously Looked After Child, the child subject to a Special Guardianship Order will be entitled to additional education support. This will be accessed through the designated teacher in the child's school. For further information see Education of Looked After and Previously Looked After Children Procedure.

The Plan should be written in such a way that everyone affected can understand and set out:

1. The services to be provided.
2. The objectives and criteria for success.
3. Timescales for provision.
4. Procedures for review.
5. A named person to monitor the provision of services in accordance with the Plan.

Subject to the assessment of support needs, the range of support available to Special Guardianship Order and Child Arrangements Order families includes but is not limited to the below list. The first three points are treated as universal services and can be available to Special Guardianship and Child Arrangements Order carers without assessment or being allocated a Social Worker or Family Support Practitioner. Information about these services is provided by email update and carers can be provided with access information by a duty social worker over the phone at their request:

- Access to all foster carer training.
- Access to Kinship carer support group, adolescent support group for Foster and Kinship carers and the under 5s support group for Foster and Kinship carers.
- Access to Kinship carer buddy system where available.
- Access to Adventures with Friends.
- Family support practitioner support including direct work relating to parenting, attachment and life story work.
- Social worker support to provide risk assessment, assist with contact planning, agreements and mediation.
- Referral to Local Authority mediation service.
- Referral to Family Group Conferencing – see Appendix
- Access to therapy for the child via the Adoption Support Fund for children looked after immediately before the making of a Special Guardianship Order.
- Access to therapy for the child where children were not previously looked after or those subject to Child Arrangements Orders via referral to the LA resource panel or via agreement with the Family Placement Team Manager.

- Access to therapy for the carer where this is thought beneficial to the care of the child via agreement with the Family Placement Team Manager. or referral to the Local Authority resource panel.
- Video Interaction Guidance.
- Theraplay.
- Direct work with birth children and access to the birth children support group for kinship and looked after children.
- Respite.
- Permanence allowance financial assessment for all Special Guardianship carers and those Child Arrangements Order carers who are identified as being in financial need during the assessment of support needs.
- Additional funding for equipment, financial needs that fall outside the remit of the permanence allowance or specialist services can be sought via referral to the resource panel.

Special Guardianship Support will be subject to the approval of the Designated Manager (Special Guardianship). This may be delegated to the Family Placement Team when outside of care proceedings.

Once the necessary approval has been obtained, the social worker must send the proposed plan to the person requesting support, and allow 28 days for that person to make representations about the proposed plan. The social worker should also give information to the person concerned about who to contact to obtain independent advice and advocacy

Where representations are received, they should be referred to the Designated Manager (Special Guardianship Support) to decide whether to amend or confirm the Plan. The allocated social worker must then write to the person concerned setting out the final Plan. A final notice of the authority's decision must then be given to include the following:

1. Details of the plan and the name of the person nominated to monitor the provision of services.
2. Where financial support is to be provided:
 - a) The method of determination of the amount of financial support.
 - b) The amount, frequency, start date and period of any payment in instalments.
 - c) When any single payment is to be made.
 - d) Details of any conditions and the date by which those conditions are to be met.
 - e) The arrangements and procedure for review, variation and termination of financial support.

- f) The responsibility of the authority in relation to reviews and of the Special Guardian in respect of any conditions.

Review of Special Guardianship Support Plan

Special Guardianship Support Services (other than financial support payable periodically) must be reviewed:

- If there is any change of circumstances affecting the support.
- Between 8 and 12 weekly for families with an allocated social worker or Family support Practitioner and wider network of professionals contributing to the plan. Review should take place via a network meeting.
- Where services are provided via Adoption Support Fund funding only review should take place between the child, carers, therapeutic provider and Social Worker or Family Support Practitioner as a minimum at the midway point and end of therapy or at a frequency deemed most appropriate.
- Where only financial support is provided this will be reviewed annually or as a result of change of circumstances.
- For carers who are only accessing training and/ or support groups no review is necessary unless a request for further support is made, in which case a new Special Guardianship support plan request should be initiated.
- At such stage of the implementation of the plan as is considered most appropriate.

Wherever possible, if a local authority proposes to vary or terminate the provision of special guardianship support services to any person, the views of those persons should be taken into account before making any decision as a result of the review. It must give the person an opportunity to make representations and for that purpose it must give notice of the proposed decision and the time allowed for making representations. This notice must contain the same information as the notification of the outcome of a first assessment.

Any change to the Special Guardianship Support Plan will be subject to the approval of the Designated Manager (Special Guardianship Support). This may be delegated to the Family Placement Team when outside of care proceedings. Local arrangements will determine whether any additional approval is required for changes to financial support.

If the local authority decides to vary or terminate the provision of support after the review, notice in writing must be given.

The format and content of the review will vary depending on the circumstances of the case. Notification of changes of circumstances and any review of the provision of

support services need not always necessitate direct contact between the local authority and the special guardian. Where the change of circumstances is relatively minor the review might be limited to an exchange of correspondence. In particular, the annual review of financial support might be achieved by exchange of correspondence between the local authority and the special guardian. Where the change of circumstances is relevant only to one service the review may be carried out with reference only to that service. However, where the change of circumstances is substantial, for example, a serious change in the behaviour of the child, it will normally be appropriate to conduct a new assessment of needs.

Financial Support

The local authority must take account of any other grant, benefit, allowance or resource available to the person in respect of his needs as a result of becoming a Special Guardian of a child. Financial support cannot duplicate any other payment available to the Special Guardian or carer with a Child Arrangements Order.

Special Guardians and Child Arrangements Order carers must be helped to access any benefits to which they are entitled; this will usually include child benefit and tax credits and universal credit.

The carer's means will normally be considered when ongoing financial support is being considered. They should therefore be asked to complete a Financial Assessment Form, which, when completed, should be passed to the Finance Officer responsible for carrying out means assessments.

Once the means assessment has been carried out, the Finance Officer should send written notification of the outcome to the relevant social worker, who must present this to the Designated Manager (Special Guardianship Support) for approval.

The Finance Officer should then write to the Special Guardian setting out the amount of financial support agreed by the Designated Manager (Special Guardianship Support) and information in relation to the following:

- Whether financial support is to be paid in regular instalments and if so, the frequency of payment;
- 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.

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 care 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 considering an element of remuneration in financial support payments to ex-foster carers.

In addition, Personal Independence Payments for carers will be excluded from the financial assessment.

Where the Special Guardians were previously the child's foster carers, the local authority can maintain the fostering allowance for a transitional period of 2 years but with discretion to extend if necessary.

The only circumstance 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 or an application is made to vary or discharge a Special Guardianship Order in respect of that child.

Local authorities are not expected to meet the legal costs of a Special Guardianship Order where they oppose an application in respect of a child they previously looked after or in a non-Looked After case. Local authorities may wish to advise prospective special guardians in these circumstances that they may be able to obtain help with legal costs from the Legal Aid Agency.

Review of Financial Support Paid Periodically

- Where financial support is paid periodically the local authority must review this:
- On receipt of the annual statement received from the special guardian or Child Arrangements Order carer;
- If there is any relevant change of circumstances that the carer agreed to notify, or any breach of a condition comes to the local authority's notice;
- At any (other) stage in the implementation of the plan that the local authority considers appropriate.

The procedure for assessment set out for first assessment for financial support (see above) applies equally to a review of financial support. If the local authority proposes, as a result of the review, to reduce or terminate financial support or revise the plan, before making that decision the local authority must give the person an opportunity to make representations. For that purpose, it must give the person notice of the proposed decision and the time allowed for making representations, but the local authority may suspend financial support pending that decision if they think it appropriate.

The notice must contain the same information as the notification of the outcome of the first assessment.

The local authority must, having regard to the review, and after considering any representations received within the period specified in the notice, then decide whether to vary or terminate payment of the financial support or whether to seek to recover all or part of any financial support that has been paid; and where appropriate, revise the plan.

The local authority must give the person notice of their decision including the reasons for it and, if applicable, the revised plan.

Where Special Guardians are in receipt of financial support, they will be written to annually. This will include 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 Assessment Form should be forwarded to the Finance Officer for consideration. If any change in financial support is considered appropriate, the recommended change should be forwarded to the Designated Manager (Special Guardianship Support) for a decision.

Where Special Guardians do not return the Assessment Review Forms within the required time scale, they will be sent a reminder letter, giving 28 days' notice of the suspension of payments if the information requested is not received.

Urgent Cases

Where a person has an urgent need of a service, the assessment process should not delay provision and arrangements can be made for support to be provided as a matter of urgency in appropriate cases. The approval of the Designated Manager (Special Guardianship Support) will still be required, unless delegated to the Family Placement Team. The local authority will need to review the provision as soon as possible after the support has been provided in accordance with the procedures set out above.

Hannah Simpson

Deputy Team Manager - Kinship Care, Family Placement Team

Toni Mayo

Family Placement Team Manager

Rachael Ward

Head of Service, Care Outcomes

November 2021