

Supporting Families to Apply for Special Guardianship Orders

Report of Stuart Collins, Director of Children's Services

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

1. Recommendation:

- 1.1 Cabinet is asked to agree that foster carers applying for a Special Guardianship Order in respect of a looked after child for whom Devon is the Corporate Parent receive an enhanced, guaranteed financial support package to encourage them to apply for the Special Guardianship Order and thereby provide a permanent placement for that child.

2. Summary

- 2.1 Special Guardianship offers a child who has been looked after by a local authority a greater degree of permanence than foster care without the finality of adoption which effectively breaks all legal ties between a child and their birth parents. The Special Guardians are able to exercise parental responsibility in respect of the child without reference to the local authority or the child's birth parents. Once subject to a Special Guardianship Order (SGO), the child is no longer looked after ("in care").
- 2.2 A number of children currently looked after by the council and placed with foster carers could be offered permanence through an SGO so long as their special guardians receive an appropriate support package. Providing that addition support would mean that those children cease to be looked after and have a permanent family placement This also reduces costs to the council. This report outlines the additional costs of achieving permanence for that group of children together with the savings that would result from that.

3 Background / Introduction

- 3.1 We have identified 24 children who are currently residing in foster carer, whose carers are willing to consider an application for a Special Guardianship Order. Many are citing a lack of defined support, including financial, as the rationale for them not being willing to proceed.
- 3.2 DCC has recently revised the SGO policy. Ofsted identified this as an area of concern during a recent monitoring visit. The revised policy does not specify what additional support may be provided to promote permanence for children. A proposed support package has been identified that would enable the cohort of 24 children identified as well as other children in the future to secure permanence through special guardianship.

4 Proposal

- 4.1 Local Authorities, as corporate parents, have a duty to promote the wellbeing and stability of looked after children.
- 4.2 For some children, a special guardianship order is the legal arrangement which will best provide them with long-term security, stability and support. Where this is the case, as a local authority, we will support foster carers and the child to make sure the new arrangement is suitable, viable and sustainable for all parties.

5 Financial support

- 5.1 For two years following the granting of an SGO, the (now former) foster carer(s) will receive a continuation of their fostering allowance at the same rate. Following this two-year transition period, they will receive the basic fostering allowance until the child's 18th birthday provided the child continues to reside with them.
- 5.2 Additional financial support may also be payable where the child has additional health or care needs which incur a direct additional cost to the child's special guardian(s).
- 5.3 When the young person turns 18, they may be eligible, as a qualifying care leaver, to access practical and financial support, including grants and bursaries, to help them with the transition to adulthood and independence.

6 Additional guidance and support

- 6.1 Special guardians also have access to advice, guidance, and support from Devon's Special Guardianship team. Before an SGO is granted by the court, a support package must be agreed including the consideration of financial support.
- 6.1 This may include supporting contact arrangements with birth families, professional advice and support, access to support groups, therapy services via the Adoption Support Fund, and dedicated training to help meet the child's individual needs.
- 6.2 The initial transition to the new arrangements can often be the most challenging time for the child and their special guardian(s). As a result, each child will have a bespoke transition plan which will set out how we will support them to move out of our care.
- 6.3 Each plan will consider whether any ongoing additional support is required, whether that is as a Child in Need or through Early Help. Where there are any challenges relating to contact arrangements or safeguarding, which pose a barrier to the SGO, consideration of support required may be incorporated into the transition plan. Special guardian(s) will continue to receive Supervising Social Worker support during a 3-month transition phase after which time they will receive support from the Special Guardianship support team as outlined above.
- 6.4 Given the additional permanence of special guardianship arrangements and the complexities of the care system, it can be especially important to support children, who

are moving out of care and into special guardianship, to understand their life-story. That is why we commit to sending Later Life Letters to each and every child in this situation.

- 6.5 Later Life Letters are personally written to the child by their social worker, and they describe information about the child's life, why they aren't able to live with their birth parents and what the new arrangements will mean for them. The timing of when the child is able to see the letter is up to their special guardian(s), usually depending on age and circumstance. But we would expect children to receive letters before they enter their formative older teenage years.

7 Financial Considerations

- 7.1 The Special Guardianship Regulations, 2005 (as amended by the Special Guardianship (Amendment) Regulations 2016) state that remuneration for foster carers who are awarded an SGO should be paid at the same rate as they received as a fostering allowance for two years post order after which they are subject to an annual review where their allowance entitlement is calculated based on their financial circumstances (Regulation 13). This has historically deterred some foster carers from offering permanence under an SGO to children in their care. Offering a guaranteed level of income enables foster carers to feel reassured that they will not be significantly financially disadvantaged by offering permanence under an SGO. Whilst this allowance is likely to be less than the total payment received previously, the combination of additional support alongside the support offered by the SGO support team will promote more confidence in this commitment. The special guardians would receive their current rate for two years post order, after which they would receive the basic fostering rate until the child reaches 18, an enhanced rate if this was being received previously as well as birthday / festival allowances.
- 7.2 The children in the group identified are aged between 7 and 17 years old. For the first two years, there would be no savings to the weekly allowance payments. After this time, there is a projected saving of an average £7,297 per child per year with a total saving of £721k between October 2025 (estimated commencement) and when all the children in the cohort reach 18. Additionally, when a child has an SGO and is no longer a child in care, there will be a reduction in service costs associated with social work, quality assurance, education, and health.
- 7.3 This proposed addition to the current SGO policy will have a projected cost avoidance on allowance payments of over £7,000 per year, per child, once the initial two year period has lapsed.
- 7.4 One neighbouring local authority pays the maximum allowance until the child is 18. Another neighbouring authority is scoping the option to pay all Special Guardians an allowance until the child is 18. This policy aims to bring us closer in line with the support offered by neighbouring authorities.
- 7.5 Practice example one: L is not aware she is in care and has no understanding of an SGO. Her Grandmother protects her from this and works tirelessly and with confidence with L's parents. L has been lucky enough in the current climate to have a consistent Social Worker who has helped her understand why she lives with her Nan and is happy and thriving. L is likely to feel an increasing impact if she has a change in Social Worker

and has to get to know a new person. As she goes to secondary school in September, L will likely become increasingly impacted by meetings, visits and matters associated with being a child in care.

- 7.6 Practice example two: Two children experienced domestic homicide between their parents. They now live with family friends who are approved foster carers. They are thriving, they work hard in school, have developed positive friendships, and express their happiness living with their foster carers. These children wish to be considered for an SGO so that they are no longer children in care.

8 Options / Alternatives

- 8.1 DCC has previously made a commitment to providing a protected allowance at the same level the foster carers currently receive for the duration of their childhood. This was financially unsustainable. Following this, potential Special Guardians were not offered any flexibility with the regulations. This resulted in several foster carers not pursuing SGO's due to the lack of perceived support with this arrangement. This proposal aims to support foster carers to provide permanence through a financially sustainable method.

9 Consultations / Representations / Technical Data

- 9.1 This proposal has not been through formal consultation. Representations have been made by foster carers and this has been identified as a concern by Ofsted.

10 Strategic Plan

<https://www.devon.gov.uk/strategic-plan>

- 10.1 All three proposals presented to cabinet fit with the strategic priorities to:

- Be ambitious for children and young people
- Tackle poverty and inequality
- Improve health and wellbeing

11 Financial Considerations

- 11.1 If Special Guardianship orders were granted by October 2023 for this specific cohort, from October 2025 to when all the children have turned 18, it would avoid costs of £721k overall. Future SGO conversions will also offer a projected annual saving of £7,297 per child per year.

12 Legal Considerations

- 12.1 There are no legal implications arising out of this report. This proposal intends to offer both legal and emotional permanence to children in care. The proposals are compliant with the relevant regulatory framework.

13 Environmental Impact Considerations (Including Climate Change)

13/1 There is no significant and notable environmental impact.

14 Equality Considerations

14.1 This proposal aims to offer children in care a level of permanence akin to most children residing in our community without the additional impact of the associations linked with being a child in care, such as review meetings and statutory visits.

15 Risk Management Considerations

15.1 No specific identified risks.

16 Summary / Conclusions / Reasons for Recommendations

16.1 This proposal seeks to offer children a level of normalcy not experienced as children in care. The emotional security provided through a reassurance that their carers want to commit to their long term care far exceeds any statutory support that can be offered to them as children in care.

Stuart Collins

Director of Children's Services

Electoral Divisions: All

Cabinet Member for Children's Services and Schools: Councillor Andrew Leadbetter

Local Government Act 1972: List of background papers

Background Paper

Date

File Reference

None

Contact for enquiries:

Name: Emily Hextall

Telephone: 01392 383000

Address: County Hall, Exeter