

APPENDIX C



Adoption and Fostering

Central Bedfordshire Council
and Bedford Borough Council

working together

Policy on Special Guardianship Financial Support

Author(s):	Stephanie Bishop Head of Adoption and Fostering Service
Date agreed:	October 2009
Agreed by (e.g. council):	Assistant Director, Children's Specialist Services
Date to be reviewed:	April 2011

1. Introduction

- 1.1 As part of the Special Guardianship Regulations 2005, one of the types of support that may be offered to Special Guardians is financial support.
- 1.2 Local authorities have a legal power to provide support, including financial to individual families but no legal duty to do so.
- 1.3 The amount of financial assistance paid is also discretionary; each local authority may offer financial assistance at a different rate, can change schemes and must alter them in response to new legislation. However, they must inform Special Guardians of proposed changes and give them an opportunity to comment.
- 1.4 Neither the payment of an allowance nor the amount paid can be enforced as a legal contract, and an original level of allowance agreed on cannot be totally relied upon in making long term financial plans.

2. Policy Statement

- 2.1 Central Bedfordshire Council is committed to ensuring that its children have a stable family life which is legally secured. If at all possible that they will be in a household where the primary carers hold parental responsibility for the child and the child therefore does not have to deal with the potential disadvantages and stigma of being looked after by the Local Authority
- 2.2 The Local Authority does not wish carers' need for financial support to prevent any child from benefiting from a permanent placement which is legally secure.
- 2.3 In accordance with the Special Guardianship Regulations 2005, financial support is payable:
 - a) to facilitate arrangements for a person to become the Special Guardian of a child where the local authority consider such arrangements to be beneficial to the child's welfare; or
 - b) to support the continuation of such arrangements after a Special Guardianship order is made.
- 2.4 The circumstances in which financial support may be paid to a Special Guardian are as follows:
 - a) where it is necessary to ensure that the Special Guardian or prospective Special Guardian can look after the child
 - b) where the child needs special care which requires greater expenditure of resources by reason of illness, disability, emotional or behavioural difficulties, or the continuing consequences of past abuse or neglect

- c) where the local authority consider that it is appropriate to contribute to any legal costs, including court fees, of a Special Guardian or prospective Special Guardian associated with –
 - i. the making of a Special Guardianship Order or any application to vary or discharge such an order
 - ii. an application for an order under section 8 of the Act (a Contact Order, a Prohibited Steps Order, a Residence Order or a Specific Issue Order)
 - iii. an order for financial provision to be made to or for the benefit of the child
- d) where the local authority considers it appropriate to make a contribution to meet the following kinds of expenditure necessary for the purpose of accommodating and maintaining the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after the child
- e) where such support is to meet recurring costs in respect of travel for the purpose of visits between the child and a related person
- f) where a child had already been or would otherwise have been a 'looked after' child

2.5 Financial support ceases to be payable to a Special Guardian if:

- a) the child ceases to have a home with them or dies
- b) the child ceases full-time education or training and commences employment
- c) the child qualifies for Income Support or Jobseeker's Allowance in his or her own right, or
- d) the child attains the age of 18 unless he continues in full-time education or training, when it may continue until the end of the course or training he is then undertaking.

2.6 One off lump sum payments will be considered where there is a specific need. Where a child has disabilities the first step must be to try and secure Disability Facilities Grant (DFG) funding. If this is not agreed or there is a shortfall, the local authority will assess needs and may provide financial assistance.

2.7 If the lump sum is to facilitate a sibling placement, the Local Authority will assess using the means test and decisions will be made on a case by case basis.

3. *Who can receive financial support?*

3.1 Special Guardians of children who are looked after, or who otherwise would have been looked after will be eligible for an assessment for their need for financial support.

- 3.2 The Department for Education and Skills Standard Means Test will generally be used in cases where financial support is requested. This will assist in determining if and when to pay financial support and how much to pay.
- 3.3 The exceptions to this will be where financial assistance is required for:
- a) legal fees where a Special Guardianship Order is applied for in respect of a looked after children and the authority support the making of the order, or an application is made to vary or discharge a Special Guardianship Order in respect of such a child.
 - b) initial costs of accommodating a child who has been looked after by the local authority,
 - c) any special care in relation to a child who has been looked after by the local authority (see 2.4 (b)).
- 3.4 There is a legal obligation for Special Guardians and prospective Special Guardians to provide the local authority with full details of their finances when they are being assessed for their need for financial support and at the annual review of financial support.
- 3.5 The Local Authority will ensure that anyone applying for financial assistance is aware of and takes advantage of any benefits and tax credits available to them, before considering their need for financial support. The financial support that may be given must complement not duplicate any other support that is given.

4. Application for financial support from Foster Carers who wish to apply for a Special Guardianship Order

- 4.1 When the Local Authority supports the application of a foster carer who is currently fostering a child to become their Special Guardian, they will continue to pay the carers the Local Authority fostering allowance paid at the time of application (less additional payments for holidays, birthdays, clothing, travel and festivals etc and any benefits / Tax credits) until the child ceases full time education or training and commences employment, qualifies for Income Support or Job Seekers Allowance in his/her own right or attains the age of 18.
- 4.2 The allowance will be increased each year in line with inflation.
- 4.3 The Local Authority does not expect to make payments above its own fostering allowance rate. Any request for a higher payment (for example if a child is with an Independent Fostering Agency) must be referred to the Assistant Director, Children's Specialist Services and exceptional circumstances explained. Decisions about exceptional circumstances will be taken in a reasonable, fair and non-discriminatory way.
- 4.4 The Local Authority will pay the court fees for foster carers where it supports their application for a Special Guardianship Order. Reasonable legal costs, at legal funding rates, will also be paid by the Local Authority to an initial ceiling of £2,000, including the cost of an initial legal consultation prior to any application.

Prior approval from the Assistant Director, Children's Specialist Services will be required for amounts over this.

5. Decisions relating to payment

- 5.1 The Local Authority must take into account the financial resources of the prospective Special Guardian(s), their reasonable outgoings and financial commitments, the financial needs of the child and any financial resources of the child in determining how much to pay in association with the Standard Means Test.
- 5.2 Payments can be made as a one-off lump sum, a series of lump sums, or as weekly or monthly allowances and can include the cost of the following:
- Travel for introductory meetings between the child and adopter(s)
 - Domestic equipment, alterations and adaptations to the home (which would not be covered by the Disabled Facilities Grant)
 - Special diets, clothing or bedding, nursery attendance etc, to meet a child's additional needs
 - Damage to the home arising from additional behavioural difficulties
 - Legal fees to achieve the Special Guardianship Order (provided the local authority supports the SGO Application)
 - Travel and other expenditure for contact visits for the child(ren).
- 5.3 The decision to provide financial support rests solely with the Council. Although there is a legal power to provide support and financial support, there is no legal duty to do so. The Local Authority would only consider making financial support payments if the child was previously a looked after child or at risk of becoming looked after if financial support were not made available.
- 5.4 Decisions on whether to undertake the assessment and based on the means test, whether to offer financial support will be taken on a case by case basis. Families will never be given false assurances of financial support in the future where they may not be eligible.
- 5.5 The agreement to pay on-going financial support based on the outcome of the standard means test rests with the Assistant Director, Children's Specialist Services.
- 5.6 Payment of financial support where the child has particular additional needs relating to illness or disability or where there was a history of abuse, is intended where the child's condition is serious and long-term; for example, where a child needs a special diet or where items such as shoes, clothing or bedding need to be replaced at a higher rate than would normally be the case with a child of similar age.

6. Arrangements across local authority areas

- 6.1 Responsibility continues to rest with the originating local authority, for assessing the need for all forms of support arising for the first time after the Special Guardianship Order is granted, including financial, for three years from the date the Special Guardianship Order was granted if the child was previously looked after. For children not previously looked after decisions about assistance and any payment in response to new requests lie with the local authority where the child now lives.
- 6.2 After 3 years responsibility for assessing all new support needs and their provision rests with the local authority in whose area the child lives. Central Bedfordshire will, however, continue to be responsible for payment of ongoing financial support agreed pre-Order, even if the child lives in a different authority.

7. Outcomes of this policy

- 7.1 Children who are placed under Special Guardianship Orders and their families are given the support needed to ensure that the child has a permanent, stable and loving family who can provide for their physical, emotional and developmental needs.
- 7.2 Disruptions will be minimised through the support given to maintain a caring environment for the family

8. Legislation

- [Adoption and Children Act 2002](#)
- [Special Guardianship Regulations 2005](#)
- [Special Guardianship Guidance 2005](#)
- [Assessment framework for Children in Need and their Families](#)