

Special Guardianship Orders - Our Offer



***Swindon offer to promote
permanence through Special
Guardianship, quality
assessment and support
through our post SGO offer***



From April 2024 Swindon council will take over responsibility for the provision of services to our Special Guardians previously provided through Adopt Thames Valley. This is part of our vision and passion to help children achieve permanence and enable families to thrive together.

This offer has been written to provide advice and guidance to people living in Swindon who are considering or may already be Special Guardians in the aim of promoting permanence for children in our care.

Our aim is to achieve this by supporting connected and recruited foster carers to consider becoming special guardians to the children living in their care. The hope is that more children will live in homes where they can experience legal permanence within a safe, nurturing and stable home in which they feel valued, secure and belonging.

The offer is for all proposed special guardians where:

- A Special Guardianship Order was granted or is being considered via Swindon Borough Council and the court, or
- The order was made by another Local Authority, but you live in Swindon and it has been over three years since the order was granted (previous responsibility would be with the authority the child previously lived)
- Your child was or would otherwise be 'cared for by Swindon Borough Council prior to the Special Guardianship order being made.

What is Special Guardianship?

A Special Guardianship Order, often referred to as an SGO, is a legal order made by the Family Court where a carer – usually a relative- or somebody already known to or caring for a child is appointed as the ‘Special Guardian’ of the child until they turn 18 years old.

When a Special Guardianship Order is granted, the appointed carer is also granted parental responsibility for the child – which they share with the parent. The Special Guardian has the overarching parental responsibility, which means that they can make nearly all of the major decisions about a child’s life and day-to-day care – without having to consult or inform the child’s birth parents*.

Why choose Special Guardianship?

While Swindon Borough Council has a duty to all its children and young people in providing a range of services, there remain some children in Swindon who find themselves, through no fault of their own, unable to live with their birth parents.

The SGO was created with the intention of meeting the needs of those children who have been separated from their birth parents. It can be a great option for children who are unable to live with their parents as it secures permanence for them whilst maintaining their links with their birth family, and provides an alternative to long term foster care.

These children may live with alternative family members, friends or where this is not possible find themselves in the care of the local authority; for some this may be a temporary arrangement while for others this will be longer term. For some children it may not be safe for them to return to their birth parents care throughout their childhood.

Swindon Borough Council has responsibility for providing a Special Guardianship support plan to all children placed in such arrangements by the authority and where relevant up until a minimum of three years after the Special Guardianship Order is granted. Additional support can be agreed as part of the support plan or through self-referral at anytime while the SGO is in place.

While Special Guardians are able to make all the decisions relating to the child’s day to day life without consulting the birth parents, there are certain situations when Special Guardians are required to obtain permission from the child’s birth parents, these include:

- Taking the child out of the country for longer than three months.
- Changing the child’s surname.

- Changing the child's religion.
- Situations where consent from everyone with parental responsibility is required by law, such as certain medical procedures.
- Placing the child for adoption.

What does Special Guardianship mean for children in LA care?

Many children who are in local authority care, experience some kind of instability throughout the course of a year: a home move, school change, social worker change. In the stability index study published by the Children's Commissioner in 2018 only a quarter of children in local authority care did not experience one or more of these sources of instability.

A significant group of children in care, approximately 10%, experienced multiple changes in a year. Research and practice inform us that most for the children who experience instability they are up to 3 times more likely to experience further instability in the future.

In Swindon we are passionate about changing outcomes for the children and young people who we care for and want children who cannot return home safely to have realistic options for permanence. We want our children and young people to begin to form new attachments and relationships enabling them to feel safe, secure and experience a sense of belonging throughout their childhood through legal permanence including Special Guardianship, Child Arrangement and Adoption Orders. We share the vision of Swindon's Joint Health and Wellbeing board:

'Our vision is to ensure that every child is given the support they need to grow and thrive' (Swindon's Joint Health and Wellbeing Strategy)

We know from experience that one of the main causes for SGOs being declined is because foster families are worried about getting access to support or resources, once a care order has been discharged or section 20 ended. To address this, we know we need to get it right from the beginning and getting it right first time for our children and families is a priority within Swindon.

To achieve our ambitions, we will ensure that every child and their special guardian/s are provided with a good quality assessment, undertaken by an experienced, skilled social worker who understands the challenges and commitment required when looking after a child who may have suffered trauma or adverse childhood experiences.

The assessment will support the assessing social worker in identifying present and future support needs and services early and where identified will inform the special guardianship support plan so that families get access to the right level of support or service they need, when they need it.

To support the SGO support service achieve our priorities and get it right for children we have recruited a skilled and experienced social worker to undertake the pre and post SGO assessments and develop the support plans. The SGO support Service will be led by an experienced and qualified manager.

Further to undertaking SGO assessments and where necessary the team will advise on issues about special guardianship and direct people to legally trained professionals as appropriate. They will also provide consultation and mediation with other agencies, for example schools and health professionals to ensure children who were previously cared for by the local authority do not lose out of some of the entitlement they would have received had they remained cared for.

Many children who live with special guardians have had a very difficult start in life, some children may have witnessed or suffered abuse or neglect, even children removed from the care of their parents at birth may have suffered stress in the womb. These children are often greatly affected by their past experiences. We recognise that trauma has a significant impact on the body and the brain, which may lead to children developing difficulties and complex needs as they get older. These experiences can impact the child's behaviour and their feelings about themselves and about the world. It is important that Special Guardians understand the impact of trauma and past experiences and how this can manifest in children's behaviour. Special Guardians through the SGO support service will have access to a variety of practical and therapeutic resources to support and equip them with the knowledge and skills to support their child's physical and emotional wellbeing.

During the SGO assessment process the SGO teams' remit will be to offer support to the special guardians practically, therapeutically and emotionally, explaining the responsibilities and processes around the SGO. This will include advice around benefit entitlement to ensure that Special Guardians are receiving all of the benefits that they are entitled too.

Additional support outside of the identified needs or SGO support plan will be provided on an individually assessed basis and accessible through a range of options including external resources, our partners in education and health or universal services (subject to eligibility criteria).

We also have a collection of YouTube video links and other resources ready to send to Special Guardians which provide quick and easy-to-understand explanations of attachment, child development, and the impact of trauma.

Special Guardians can reach out to us at any point whilst the SGO is active to request support. As described support can be offered in a number of ways, which will depend on the Special Guardians circumstances and needs.

Our Special Guardians have access to a variety of services, our generic support offer includes:

General advice, guidance, and information around the role of a Special Guardian, including managing issues such as contact, education and behaviour.

If the child was 'cared for' prior to the Special Guardianship Order being granted, the Special Guardian entitled to ask for an '*assessment of need*' at any time.

Financial Support - Special Guardianship Allowance

Eligibility for a Special Guardianship allowance is determined as part of a means-tested assessment, this means that we will assess income when calculating any financial allowance. This is in line with the Special Guardianship Regulations, 2005. *If circumstances change Special Guardians must inform us immediately.*

Special Guardianship allowances are aligned with fostering allowances. Swindon Borough Council conducts annual financial assessments for Special Guardians and allowances are subject to annual review, we will write to Special Guardians each year to ask if their circumstances have changed. Special Guardians will need to respond if requested to do so, even if there have been no changes, to avoid any allowance that is currently received being stopped. As part of this assessment we will determine whether child benefit should be deducted.

If a Special Guardian is in receipt of full Universal Credit (i.e. not working) we will not means test and they will be provided with the full allowance.

Please note that any Special Guardianship Allowance is ignored as income when calculating entitlement to other means-tested benefits and tax credits. Additional financial support will only be considered in certain circumstances and following an assessment for Special Guardianship support. If Special Guardians have any queries surrounding the financial assessment of Special Guardian allowance, please email the SGO Support Team who will endeavour to respond as soon as possible.

General Support

Special Guardians have the same right to benefits and tax credits as a birth parent would. We recommend that Special Guardians contact their local Citizens Advice Bureau in the first instance; they can help consider what support Special Guardians family may be entitled to - Entitlement to income support can also be checked by using the Turn2Us benefits calculator:

<https://benefits-calculator.turn2us.org.uk/>

Special Guardians may also be eligible for additional financial support, such as:

Childcare - The government help eligible families with childcare costs. Check eligibility at: <https://www.childcarechoices.gov.uk/>

Cost of Living - Claimants of certain benefits or tax credits may be eligible for an extra payment to help with the cost of living. This could include help with household costs, energy bills, childcare costs, transport costs, and income support.

<https://helpforhouseholds.campaign.gov.uk/>

or <https://www.citizensadvice.org.uk/debt-and-money/get-help-with-the-cost-of-living/>

The Adoption Support Fund:

The Adoption Support Fund (ASF) was established in April 2016 to fund support and therapeutic interventions for eligible families. The ASF has agreed to continue to fund support for families up to March 2025.

Is your family eligible for support?

If the child that you are caring for was cared for (in care) prior to the SGO being made, then they are entitled to the funding.

The ASF is available for children and young people up to and including the age of 21 (or 25 if they have an Education, Health and Care Plan).

How much funding is available?

The ASF has two fair access limits:

- £2,500 per child per year for specialist assessments
- £5,000 per child per year for therapeutic interventions

The funding can be used for the following interventions for your family:

- Specialist Assessments to explore the child's trauma and attachment needs. These may then recommend potential therapies for the child and family moving forward. Unfortunately, standalone assessments for single conditions, i.e. ADHD, ASD, FASD, are out of scope for the fund so Special Guardians will need to follow the normal referral route through the NHS for those. Special Guardians will need to make an appointment with the child's GP to request an assessment via a paediatrician or CAMHS specialist in this instance.

Therapy for your Child:

- Creative Therapies- including art, dance, drama, music, lego, mindful yoga.
- Play Therapies, including theraplay, filial therapy, and attachment play.
- Life Story Work
- Psychotherapy (Talking Therapy) including cognitive behavioural therapy, educational psychotherapy, eye movement desensitisation and reprocessing therapy, sensory processing and attachment therapies.
- Therapeutic Short Breaks

Support for your Family:

- Parent Training Courses, including Therapeutic Reparenting.

- Family Therapies, including Dyadic Developmental Psychotherapy and child to parent violence programmes.

The funding being applied for should help you and your child to achieve the following positive outcomes:

- Improved strategies to support your child's wellbeing, to regulate their emotions and to manage their behaviour
- Improved understanding of your child's behaviour and needs
- Improved attachment, relationship and communication between you and your child
- Improved relationships between your child and their peers, family members, teachers and school staff
- Improved emotional regulation and behaviour management
- Improved understanding and processing of their life story and family relationships
- Improved engagement with learning
- Improved confidence and ability to enjoy a positive family life and social relationships.

Education Support

Schools who have children who have been previously cared for by the local authority on their roll receive pupil premium plus. This is additional funding given directly to schools and recognises that children who have spent time in care may need extra support in school as a result of their early experiences. The grant is currently £2,345 per eligible pupil per year and is for students from Reception class up to Year 11. In order to be eligible, students need to have been 'cared for' by an English or Welsh local authority immediately before being adopted.

Parents and guardians must declare their child's adoptive, SGO or CAO status directly to the school before the school completes the October census. Schools will need to see evidence of this, such as a copy of the legal order, or a confirmation letter from the local council which placed their child. Parents will not need to declare their child's status again until the child changes school. They are not obliged to declare this information.

Pupil Premium money for previously 'cared for' children goes directly to the school and is not ring-fenced for the individual child. It is good practice for schools to include parents and guardians in discussions around the most effective use of Pupil Premium Plus.

Examples of how some schools have used this additional funding:

Extra one-to-one or small-group support for children within the classroom.

Running catch-up sessions before or after school, for example for children who need extra help with maths or literacy.

Running a school breakfast club or after school clubs to improve attendance.

Providing extra tuition for able children.

Providing music lessons for children whose families would be unable to pay for them.

Funding educational trips and visits.

Paying for additional help such as speech and language therapy.
Funding English classes for children who speak another language at home.

School Placements

Children who previously been cared for by the Local Authority qualify for priority admissions into school. Please speak to your child's school in the first instance and make sure you include this on your school admissions form.

Special Educational Needs

Every child with SEN is entitled to an Individual Education Plan, which you can request from your child's school. This helps teaching staff to plan for and support your child, including strategies to help them learn and thrive.

If you are concerned that your child may have Special Educational Needs (SEN) then you should speak to your child's school in the first instance.

The Local Authority Virtual School team are happy to help with any concerns or enquiries that you have about your child's education. You can contact them on **07989 346763** or **vsadmin@swindon.gov.uk**.

Birth parent support

Advice and information will be available to parents of children subject to Special Guardianship Orders. This may include signposting, advice on Special Guardianship arrangements and reviews of family time arrangements.

Accessing SGO advice and support services

- 1) Special Guardians are able to self-refer into the SGO team. To do this they can contact us via email sgosupportduty@swindon.gov.uk or our dedicated phone line 01793 465700 we will take some brief information from them and offer immediate advice, signing posting to the correct universal service or voluntary agency.
- 2) Where there is a requirement to complete an assessment of need we will schedule in a convenient time to have an initial conversation and possible home visit to discuss the special guardians situation/needs and to answer any questions that they may have.
- 3) If a more formal intervention is required from the SGO team then a practitioner will be allocated to work with the special guardian and their family. We will put together an action plan and maintain regular communication for a maximum 12 week period.
- 4) Once the initial 12-week period has ended, we will review the assessment of need and, if further actions are required, we can extend support for an agreed additional number of weeks.

- 5) Even after the intervention has been closed, the special guardian can contact our service again if they need to. The process will restart.

Where external services are required special guardians will have access to services available to all people who hold PR for a child and in some circumstances, they may be able to access the adoption support fund. A practitioner within the SGO team can support special guardians in accessing and the completion of this referral.

Where there is a need for a multi-agency approach in providing support and services from our partner colleagues this will be achieved through working together to offer additional support to the child and their special guardians.

This may include those children with additional needs or the undertaking of specific pieces of work i.e. therapeutic parenting, life story work. The team will also be able to direct people to legally trained professionals as appropriate when specialist legal advice is being sought.

The team will also be able to provide consultation and mediation with other agencies, including education health professionals and the SGO team will support special guardians where referrals are required to the Adoption Support Fund. As with all children, children subject to an SGO will also have access to universal and voluntary sector services and can be guided to access these, where necessary, through the SGO team.

Further Practical and therapeutic support around parenting and child development will be available to special guardians on an individual or group basis depending on the needs of the family. The parenting techniques that are being proposed are usually directed at helping children previously cared for by the local authority affected by early trauma and attachment difficulties.

Additional resources and services to be offered:

- Signposting to organisations who specifically offer support and guidance to Special Guardians.
- Advocating on behalf of Special Guardians to ensure that the family's voice is heard and decisions are made in their best interests.
- Management of financial queries, including completing the annual financial assessment and access to additional financial support.
- Signposting to services who can support your family and support with accessing resources.
- Details of our local Special Guardian support group
- Access to specialist online/face-to-face training and webinars on a variety of subjects.
- Emotional support and a safe space to talk.
- Networking events where Special Guardians can connect with each other.

Networking and Events

Having a good support network is crucial as a Special Guardian. We hope to run annual events for Special Guardians and Kinship Carers, to give opportunities to meet and make connections with people who are in similar situations to each other.

The SGO Support Service will send information out to carers about any events that we are holding.

Kinship care week is an annual celebration for us to raise awareness of the important role and challenges that Special Guardians and Kinship Carers face. The week is usually celebrated in October.

Maintaining links to a child's birth family:

Relationships between children and their birth family are an important part of their development and helps children to develop a sense of identity and understanding of their life and events within it. Where practical and safe It is important to encourage this family time and helps them to maintain links with their birth family.

Family time between children and their birth family is usually set as part of the SGO Support Plan, or the Child Arrangement Order this is usually a 'minimum' level of family time which is decided based on the child's best interest, the needs of the family and what is manageable.

Special guardians have overriding parental responsibility so they can plan and facilitate family time for their child at a time and frequency they feel is right for them. We recognise that there will likely be occasions where the special guardian may need extra support when facilitating or planning family time.

There are different kinds of family time;

- Direct family time which is face-to-face
- Indirect family time which can be telephone calls, video calls and/or letterbox.

Family time can also be supervised or unsupervised, as well as held in the community, at home, or in a family time centre. Some carers are managing daily family time, weekly, monthly, or annually. A minimum recommended level is set out in the SGO support plan (unless the court has directed contact). Anything over and above the agreed frequency can be decided by Special Guardians. Family circumstances and the wishes and feelings of children can change over time as they grow older:

- Birth Parents would like more family time with the children
- The children don't want to have family time with specific people
- The Special Guardians feel unable to manage or supervise family time
- The current arrangements aren't working for either or both party

- An incident happened during family time that worried someone

There are other reasons which may mean the family time arrangements may need to be reviewed; the SGO support team can offer advice and support with this.

Mediation

Sometimes relationships between family members can become strained, especially if there is disagreement about something related to a child. If the issues cannot be resolved within the family, mediation can support people to talk through the issues and come to a mutual resolution – it's important that everyone is on the same page and that all decisions are made in the best interests of the child.

Family Mediation is a process where a mediator supports you to work out arrangements about a child, they are there to help you work through disagreements and find solutions that work for both parties.

How does mediation work?

A trained independent mediator will complete a Mediation Information and Assessment Meeting (known as a MIAM) with both parties, to find out more about the situation and assess whether mediation is an appropriate option based on their circumstances.

In mediation, parties can still come to a resolution without being in the same room or space with the other person – the mediator can work through the disagreement without parties being in direct contact.

The Family Mediation Council (www.familymediationcouncil.org.uk) and National Family Mediation Service (www.nfm.org.uk) are useful organisations to contact for advice.

Swindon also has an in-house Restorative Conference Team who offer a restorative family conference to help resolve some of the issues faced within families.

Help with funding

The Ministry of Justice are running a time-limited Family Mediation Voucher Scheme to support families to resolve their family law disputes outside of court. If a party is eligible, they could receive a financial contribution of up to £500 towards the costs of mediation. Find out more at: <https://www.gov.uk/guidance/family-mediation-voucher-scheme>

Legal Advice

If mediation does not work it can be useful to seek legal advice in relation to family time, especially if there are difficulties surrounding this, for example it may be that the birth parents are requesting more family time with the child however the Special

Guardian may not feel it is in the child best interests. The SGO service can signpost Special Guardians to a list of family law solicitors in Swindon, should this be needed.

Alternatively, you can search for a solicitor:

- Kinship provides a list of solicitors on their website: <https://kinship.org.uk/for-kinship-carers/get-more-support/lawyers-list/>
- The Law Society provide a list of solicitors on their website: www.lawsociety.org.uk and selecting the “choosing and using” option at the top of the page followed by “find a solicitor”.

Final Draft