

Policies & Procedures:

**Financial Support for Children Subject
to Special Guardianship Orders**

01 April 2021

(Rates updated 01 April 2024)

Approach

Shropshire Council ("the Council") has a commitment to ensure a child's need for a permanent home is supported.

1. Purpose

The purpose of this policy is to provide information to practitioners, Special Guardians and prospective Special Guardians about the financial support available to support families and individuals offering a permanent home to a child through Special Guardianship. This policy relates specifically to Shropshire Local Authority Foster Carers or Connected Carers who are becoming, or have become, Special Guardians for a child they previously had in their care as a 'Child Looked After' (child who has previously been cared for by the local authority). Financial support may also be considered for Special Guardianship Orders in respect of children who would, in the opinion of the Service Manager, otherwise have become looked after if such orders had not been granted.

1.1 Provision of financial support

Carers who are proposing to / caring for a child under a Special Guardianship Order can request an assessment for support, including financial support. This policy applies where a Special Guardianship Order has been assessed to be in the best interests of the child or young person.

The payment of financial support is at the discretion of the Council and is subject to an assessment of need which will consider the means and resources available to the Special Guardian / Prospective Special Guardian.

The Department of Work and Pensions has the primary duty to provide a level of income in circumstances where carers are unable to provide an adequate level of financial support to a child, including where a Special Guardianship Order is in place. It is important to ensure that Special Guardians are supported to access benefits to which they are entitled. The Council will therefore provide the necessary information and support for Special Guardians or Prospective Special Guardians to ensure they are aware of, and are taking advantage of, all benefits and Universal /Tax credits available to them. The Special Guardianship Guidance:

(<https://www.gov.uk/government/publications/specialguardianship-guidance>)

makes it clear that any other payment available to the Special Guardian or Prospective Special Guardian (e.g. grant, benefit, allowance or resource) in respect of their needs as a result of becoming a Special Guardian of the child must be taken into account when determining the amount of any financial support provided by the Council.

2. Underpinning Legislation and Guidance

Throughout this policy specific reference is made to:

- Special Guardianship Regulations 2005 (“the 2005 Regulations”)
- Special Guardianship (amended) Regulations 2016
- Department for Education Special Guardianship Guidance: Statutory guidance for local authorities on the Special Guardianship Regulations 2005.
- Children Act 1989
- Adoption and Children Act 2002
- The Children and Young person’s Act 2008
- The Children and Families Act 2014

3. Eligibility for Financial Support for Special Guardians

3.1 The central principle for the provision of financial support is set out in Regulation 6 of the 2005 Regulations as being;

“...to help secure a suitable special guardianship arrangement where such an arrangement cannot be readily made because of a financial obstacle”.

3.2 Financial support is payable to:

- a) 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) support the continuation of such arrangements after a Special Guardianship Order (SGO) is made.

3.3 The following criteria will be used to establish eligibility for financial support.

- 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 a greater expenditure of resources than would otherwise be the case.
- c) where the local authority consider that it is appropriate to contribute to any legal costs.
- d) where it is appropriate to make a contribution to the 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 other items necessary for the purpose of looking after the child.

- e) where assistance with travel costs is required to maintain contact between the child and their relatives and/or significant others.

See Regulation 6 in the 2005 Regulations for full details.

N.B. Where assistance would normally be provided by another agency (e.g. adaptations to the home for a disabled child) these should be applied for separately by the carers to that agency.

4. Assessment

- 4.1 Where financial support is being requested an assessment must have identified that such support is required for the reasons set out above.
- 4.2 The Council will continue to pay the fostering allowance for the child up until the age of 18 (subject to the terms and conditions detailed within this Policy). The allowance will follow the Council's age-related fostering allowance rates.
- 4.3 Regulation 13 of the 2005 Regulations, details that Financial support paid cannot duplicate any other payment available to the Special Guardian or prospective Special Guardian.
- 4.4 The Children's Placement Services Social Worker or the Special Guardianship Support Team will support the prospective Special Guardian/s to access benefits to which they are entitled. Child Benefit and Universal Credit/Child Tax Credit (in respect of the subject child) will be deducted from any financial support provided by the Council (the current Child Benefit rates will be automatically applied). Special Guardianship Financial Allowances are reviewed annually. This includes ensuring that any deductions for Child Benefit/Child Tax Credit/Universal Credit are at the correct rate. Where the child element of Universal Credit is received in respect of the child/ren subject to the Order, this shall be reviewed every six months. It remains the responsibility of the Special Guardian/s to update the Council of any changes outside of these reviews for the required adjustments to be made in a timely manner.
- 4.5 Financial reviews will consider child benefit/Child Tax Credit/Universal Credit received for the child/ren subject to the SGO for the full financial year. Where there have been changes which means that the amount deducted is incorrect, the Council will be required to adjust the SGO allowance to recover / repay any under-deduction and ensure ongoing deductions are at the correct rate.
- 4.6 The Council will consider the following in respect of decisions about the provision of financial support:

- 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 e.g. Child Benefits, Universal / Tax Credits
- The Special Guardian/s income and means, including significant income from any investments, but not their main home. This includes income in respect benefits and tax credits awarded to the special guardian for themselves, the subject child and any other children within the household
- The amount required in respect of reasonable outgoings and commitments, e.g. housing and transport costs, and daily living expenses (but not outgoings in respect of the child)
- Financial needs that relate to the child (e.g. because of special diet or need for replacement bedding)
- The resources of the child (e.g. a trust fund, maintenance payments received, etc)

4.7 In accordance with the 2005 Regulations, allowances cannot exceed the Fostering Allowance Rates. No enhancements or additional payments including festive, holiday and birthday allowances will be payable. The Skills element of the fostering payments will cease two years post-order (except in exceptional circumstances, see section 7).

4.8 Where the Council decides that special guardianship financial support is to be provided, they must notify the Special Guardian/s in writing of:

- a) The basis upon which financial support has been determined
- b) The amount of financial support; including any deductions as is set out above
- c) When the first payment of financial support is to be made, both for single and ongoing payments
- d) The frequency with which the payment will be made
- e) When the payment/s will cease
- f) The arrangements and procedure for review, variation and termination of financial support
- g) Any conditions attached to the payment

4.9 The basis for the decision should be set out in the Special Guardianship Report or updated Special Guardian Assessment of Need / Review. The payment amounts, details and timescales should be clearly recorded in the Special Guardianship Support Plan which the Special Guardian/s receive and sign prior to the Order being granted. A Memorandum of Offer will be sent to the Special Guardian/s once the Order is granted to confirm points a) to g) of 4.8 above. This document must be signed and returned in order for payments to commence. Payments should be reviewed after 12 weeks to ensure that all entitled benefits have been applied for and claimed from date of the order and the SGO allowance has been adjusted to reflect this.

5. Conditions of Receiving Regular Financial Support

5.1 In order to receive regular financial support, the Special Guardian or Prospective Special Guardian must agree to the following conditions:

- 1) The Special Guardian/s will inform the Council immediately if:
 - a) they change address
 - b) the child dies
 - c) the child ceases to have a home with the Special Guardian/s
 - d) the child ceases full-time education or training and commences employment
 - e) the child qualifies for Income Support or Jobseeker's Allowance (or equivalent income support allowance) in his own right
 - f) the child attains the age of 18 unless she/he continues in full-time education or training, when the financial support *may* continue until the end of the academic year he/she had already commenced prior to turning 18. It is the responsibility of the Special Guardian/s to communicate any such request to the Council a minimum of 3 months before the child turns 18. The allowance will not continue where the child is in a work-based apprenticeship.
 - g) there is a change in their financial circumstances or the financial needs or resources of the child which may affect the amount of financial support payable (refer to 7.5)
- 2) That they will provide an annual statement to the Council of their financial circumstances (as per Section 4.6 and above). Where information is given verbally, the Special Guardian or Prospective Special Guardian will need

confirm the position in writing to the Council within seven days. Advice and assistance can be provided on completing the forms upon request.

- 3) Financial support will cease to be payable where paragraphs 5 'b,c,d,e,f' apply.

6. Disregard of Financial Means

6.1 In accordance with Regulation 13 of the 2005 Regulations the Council may disregard financial means when considering the level of financial support provided in the following circumstances: payments in respect of a 'settling-in grant' (not inclusive of adaptations)

- recurring costs in respect of travel within the UK for the purpose of visits between the child and a related person with whom they have contact where the local authority would want to promote this contact
- special care (referred to in regulation 6 (2)(b)) which requires a greater expenditure of resources than would otherwise be the case because of the child's illness, disability, emotional or behavioural difficulties, or the consequences of his past abuse or neglect, where the child has been previously looked after by the Council
- where there is an element of remuneration in financial support payments to ex-foster carers for the 'transitional period' (see section 7 below)

6.2 The Council will **always** disregard means when considering providing financial support in respect of legal costs (NOT legal representation), including fees payable to a court, where;

- a Special Guardianship Order is applied for in respect of a child who is 'Looked After' by the Council, and;
- the Council supports the making of that order, or;
- an application is made to vary or discharge a Special Guardianship Order in respect of that child
- at the time of the policy being implemented the financial support for legal costs is capped at £250. It is the responsibility of the Applicant or Special Guardian/s to ensure that the cost of their legal advice up to £250 is agreed in writing by the child/ren's allocated Social Worker. Any costs incurred above this amount must be met by the Applicant /Special Guardian/s.

- 6.3 The Council will cover the court fee incurred by Foster Carers and Connected Carers making an application for a Special Guardianship Order, where the Council is in agreement with the application and, where the child would otherwise become or remain Looked After, and where legal aid is not available. Payments will only be made on submission of receipts.
- 6.4 The Council will not 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 non-looked after cases. Advice may be offered to prospective Special Guardians in relation to the possibility of obtaining help with legal costs from the Legal Aid Agency.

7. Arrangements for Former Foster Carers

- 7.1 Specific provision is made in regard of financial support for Special Guardian/s who were formerly foster carers for the specific child or young person. The general principle is that financial support should not include any element of remuneration (skills payment), however, this payment may continue for up to two years under Regulation 7 of 2005 Regulations. The Council have undertaken to continue the Skills payment for two years from the date of the SGO. This will be applied where:
- the Special Guardian/s or prospective Special Guardian/s previously fostered the child immediately prior to SGO being granted and they received an element of remuneration in the financial support paid to them as the child's Foster Parent.
 - the eligibility criteria (as set out in section 3 above) are met.
 - the arrangements are being made as part of the Council's plans to secure the long-term permanence of the child in their best interests.
 - that element of remuneration (skills payment) ceases to be payable after the expiry of the period of two years from the making of the Special Guardianship Order unless the Council consider its continuation to be necessary having regard to the exceptional needs of the child or any other exceptional circumstances.
- 7.2 The purpose of the two-year transitional provision of the skills element is to enable local authorities to maintain 'skills' payments to Foster Carers and Connected Carers who become Special Guardians, at the same rate as they received when they were fostering the child. This should give the family time to adjust to their new circumstances.
- 7.3 Prior to the order being granted, where it is considered that the 'Skills element' is required for longer than the two-year period, this must be needs assessed and means tested and identified within the SGO assessment. This should

then be agreed at the Council's Financial Panel (PATHS). Any such arrangement, including the duration, must be clearly defined in the Special Guardianship Support plan and Memorandum of Offer, and will be subject to annual review.

- 7.4 Where a request is received for continuation of the skills payment post-order this will be subject to assessment of need and a means tested financial assessment.
- 7.5 A significant change in the Special Guardian/s or child's financial circumstances will require a review (in accordance with the conditions set out in Sections 4 and 5). The onus is on the Special Guardian to inform of any such changes.
- 7.6 The Council will continue to pay the allowance for the child/ren subject to the Special Guardianship Order up until the age of 18 (subject to there having been no significant change in the financial circumstances of the Special Guardian/s and the criteria in Section 5 being met). The allowance will follow the Council's age-related fostering allowance rates. This will be reviewed annually. In addition to these financial reviews annual contact will be made to offer a review of the Special Guardianship Support plan.
- 7.7 There may be cases where the applicant is a mainstream foster carer and intends to continue to foster. In these circumstances the income received from fostering is disregarded in respect of the SGO Allowance.
- 7.8 Any request for a Skills payment to be paid two years post order will require an assessment of need and means tested financial assessment. This financial assessment will consider all income, including any income received from fostering. The Council uses the DfE Standardised Means Tested Calculator as the basis for calculating the means of a Special Guardian/s household and the level of financial support provided.

8. Arrangements for Private Applications (Children not previously Looked After by the Local Authority)

Financial support may be considered for Special Guardianship Orders in respect of children who would, in the opinion of the Service Manager, otherwise have become looked after if such orders had not been granted.

This is at the discretion of the Council and financial support will only be considered based on an assessment of the Child/ren's needs. Any allowance paid will be means tested and paid for a maximum of 12 months from the date of the Order. Any request for further SGO Financial support will depend upon the outcome of an updated assessment of the needs of the child/ren and all resources available to the family to meet these needs.

9. Review of Regular Financial Support

9.1 Regular reviews enable the Council and Special Guardians to reassess the effectiveness of any services provided and consider whether it is appropriate to continue that service or change the provision in some way.

9.2 Where the Council provides regular financial support, it is a requirement of the 2005 Regulations that it must review the financial support:

- annually (on receipt of the annual statement from the Special Guardian)
- if there is any relevant change of circumstances that the Special Guardian/s is required to notify the local authority about (see section 5 above)
- at any (other) stage in the implementation of the plan that the Council considers appropriate.

9.3 Whilst the Order remains in place, continuation of the provision of regular financial support will remain if the following is met:

- a) the eligibility criteria in Section 3 and 5 continues to be met; and
- b) The financial assessment paperwork is completed and returned to the Council upon request. This must include the Special Guardian/s providing evidence of any income or expenditure which is dated within the last three months of the review date.
- c) Where there has been a significant change in the financial circumstances of the Special Guardian/s and an updated financial assessment and review of need identifies that their means are such that they still require financial support.
- d) The review evidences that any specific needs identified for the child remain, or an updated assessment identifies new needs requiring financial support.
- e) where continued financial support was agreed pre-order due to exceptional circumstances as detailed in the Special Guardianship Support Plan

9.4 Financial allowances will not exceed Fostering Allowance Rates. Where a review indicates the criteria for financial support continues to be met; payments will be based on the current age-related Fostering Allowance Rates.

10. Reduction or Termination of Support

10.1 Where, as a result of the review, there is a proposed reduction or termination of financial support, the Council will notify the Special Guardian/s of the decision. If they disagree with the decision, the Special Guardian/s should make a formal representation to the Service Delivery Manager for Family Placements Service within 28 working days. Team Manager / Service Delivery Manager may decide to suspend payments pending the decision if this is deemed appropriate.

10.2 The Service Delivery Manager / Financial Resource Panel will consider any representations in accordance with the needs and circumstances of the child and the resources of the Special Guardian/s to meet these needs. Following which the final decision will be provided.

10.3 The Council may suspend financial support where:

- Special Guardian/s fail to provide an annual statement and supporting evidence. In such case a final notice will be sent. Where the statement is not received within 10 days of the final notice the council will take steps to suspend, terminate or seek to recover financial support after 28 days have expired from the date the initial notice was sent.
- any other specific conditions have been agreed in relation to the provision and these have not been complied with, the Council may suspend or terminate payment of financial support and seek to recover all or part of the financial support they have paid.

The Council is committed to delivering this policy subject to any changes in legislation/statutory guidance which directs otherwise or a significant change in the Councils overall budget position. In these circumstances terms and conditions detailed within this policy may be subject to change. A significant change in the financial circumstances of the Special Guardian/s would require a means and needs assessment to determine the amount of continued financial support (a list of examples cannot be provided as each families circumstances are different but this may include a significant increase in income).

Payment for Skills – 01/04/2023

Connected Person Foster Carer Skills - £130 per child, £260 for 2 children, £390 for 3 children and so on.

Level 2 Foster Carer Skills- £160 per child, £320 for 2 children, £480 for 3 children and so on.

Level 3 Foster Carer Skills - £250 per child, £500 for 2 children, £750 for 3 children and so on.

Care Plus/Parent and Child Skills - £610 per week flat fee.

SGO Allowance rates

Age Range	Weekly Rate From 01/04/24
Birth – 2	£165
3-4 years	£170
5-10 years	£187
11-15 years	£213
16 +	£249

The rates remain subject to review and will be updated within this policy as required.