

RESTRICTED

Families First

Policies & Procedures

Financial Support for Children Subject to Special
Guardianship Orders

Policy

Purpose

- 1 The purpose of this policy is to provide information to Families First Practitioners, Special Guardians and prospective Special Guardians about the Financial Support available for children subject to a Special Guardianship Order.

2 Eligibility for Financial Support

- 2.1 The central principle for the provision of financial support is set out in Regulation 6 of the [Special Guardianship Guidance 2017](#) as being;

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

- 2.2 The following criteria should 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 in order to maintain contact between the child and their relatives and/or significant others.

See Regulation 6 in the guidance above for full details.

3 Assessment

- 3.1 Wherever financial support is being provided by Families First, an assessment of the Special Guardian’s financial means is required. Regulation 13 lays down the key principle in terms of the assessment of financial need:

“Financial Support paid under these Regulations **cannot duplicate** any other payment available to the special guardian or prospective special guardian”
[italics added]

- 3.2 Families First will support special guardians and prospective special guardians to access any benefits to which they are entitled.

- 3.3 Families First will consider the following in respect to decisions about the provision of financial support:

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- benefits and Tax Credits in relation to the child who is the subject of the order, namely, child benefit, Child Tax Credit and any child care element of Working Tax Credit.
- 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.
- the special guardian or prospective special guardian's income and means including significant income from any investments, but not their home.
- 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).

3.4 The level of any regular financial support provided will normally be calculated in relation to Staffordshire's (Level 1) fostering allowance, less any reduction resulting from the assessment of means.

3.5 Families First apply the formula that is suggested by the DfE in calculating the means of the special guardian/s and the level of financial support provided

4 **Conditions of Receiving Regular Financial Support**

4.1 In order to receive regular financial support the special guardian or prospective special guardian must agree to the following conditions:

- a) that s/he will inform the local authority immediately if:
 - he changes his address
 - the child dies
 - the child ceases to have a home with the special guardian/s
 - the child ceases full-time education or training and commences employment
 - the child qualifies for Income Support or Jobseeker's Allowance in his own right
 - 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.
 - there is a change in his financial circumstances or the financial needs or resources of the child which may affect the amount of financial support payable to him
- b) that s/he will provide an annual statement to Families First (via the Payment Team) of their financial circumstances (as per Section 3 above).

4.2 Families First practitioners will provide advice and assistance on completing the forms.

5 **Disregard of financial means**

5.1 Families First **may** consider disregarding financial means when considering the level of financial support provided in the following circumstances:

- payments in respect of a 'settling-in grant'
- 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 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 Staffordshire.
- where there is an element of remuneration in financial support payments to ex-foster carers for the 'transitional period' (see section 5 below).

5.2 Families First 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 local authority, and;
- the authority support the making of that order, or;
- an application is made to vary or discharge a special guardianship order in respect of that child.

5.3 Families First 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 obtaining help with legal costs from the Legal Aid Agency

6 **Arrangements for Former Foster Carers**

6.1 Families First may continue to pay an element of remuneration for two years from the date of the special guardianship order where;

- the special guardian or prospective special guardian previously fostered the child 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 2 above) are met.
- the arrangements are being made as part of Families First's plans to secure the long-term permanence of the child in their best interests

6.2 These payments may continue for longer than two years if the local authority considers this appropriate and all of the Section 5 criteria are met. Any decision to maintain financial support must be supported by the relevant

County Manager (children's) and approved via Resource Panel. Any such arrangement must be clearly defined in the Special Guardianship Support Plan and will be subject to annual review as per Regulation. However, in these circumstances a disregard may be applied unless there has been a significant change in the guardian's/child's financial circumstances (providing that the conditions in Section 3 continue to apply).

7 Review of Regular Financial Support

7.1 Regular reviews enable Families First 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

7.2 Where Families First provides regular financial support it is a regulatory requirement 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 is required to notify the local authority about (see section 3 above)
- at any (other) stage in the implementation of the plan that the local authority considers appropriate

7.3 The continuation of the provision of regular financial support will only be agreed where:

- a) the eligibility criteria in Section 2 continues to be met; and
- b) following re-assessment (as per section 3) the special guardian's means are such that they still require financial support (unless they have been disregarded, as per section 5).

8 Reduction or termination of Financial Support

8.1 Where, as a result of the review, there is a proposed reduction or termination of financial support, Families First will notify the guardian/s of the decision. If they disagree with the decision, the guardian/s should make a formal representation to the Resource Panel within 21 working days. The resource panel will consider any representations and return a final decision to the guardian/s within a further 21 working days.

8.2 Families First may suspend financial support where:

- special guardian/s fail to provide an annual statement a written reminder of the need to provide this will be sent 28 days after the initial notice was sent. If the statement is not received within 10 working days of the final notice Families First may suspend, terminate or seek to recover financial support provided.
- any other specific conditions have been agreed in relation to the provision and these have not been complied with, Families First may suspend or terminate payment of financial support and seek to recover all or part of the financial support they have paid.

9 **Leaving Care Financial Support**

9.1 Young people aged 16 years (and up to the age of 21 years) subject to Special Guardianship Orders may be entitled to Leaving Care provisions under Section 24(2) of the Children Act 1989 as *qualifying* young people (see [Special Guardianship Policy and Procedures](#) for details).

9.2 *Qualifying* children in Staffordshire are entitled to support in setting up home. This is subject to their assessed needs and up to a maximum of £500. This support can be accessed via the Families First ThroughCare Service (new enquiries should be made via First Response).

9.3 Where a Staffordshire Looked After Child is moving directly on to Special Guardianship arrangement supported by the local authority, their leaving care provision should be detailed within the Support Plan (see [Special Guardianship Policy and Procedures](#) for details).

9.4 In order to support achieving legal permanence for Looked After Children the local authority may use its discretionary powers to provide additional leaving care support where:

- the child is in long-term foster care and there is a plan to secure a Special Guardianship Order with their current foster carers
- the child has been looked after by Staffordshire for more than 1 year (during the current episode)
- the child is 11 years or over at the time that the Special Guardianship Order is applied for (or part of a sibling group placed together where Special Guardianship is the plan and the oldest child is 11 years or older)
- additional support is required in order to progress the plan and it is in the child's best interests.

9.5 In these circumstances, on reaching the age of 18 years, where the young person goes onto to higher education they will be entitled to a bursary of £2000/year for up to 3 years of study.

9.6 In addition to this, they will be entitled to a needs-led setting up home allowance of up to £500.

10 **Procedure for Establishing Regular Financial Payments**

10.1 Depending on the circumstances (see [flow chart](#)) either the fostering social worker or the child's social worker will refer the Special Guardian's to the Welfare Benefits Service in their home district (or the district where the child originated if the placement is outside of Staffordshire).

10.2 The Special Guardian's means will be considered when financial support is being considered.

- 10.3 Once the means assessment (including entitlement to welfare benefits) has been carried out by Welfare Benefits Officer, the Officer will send written notification of the outcome to the relevant Joint Finance Unit (JFU). JFU will then calculate allowances payable and forward to the Fostering social worker. The Fostering social worker must then present the outcome to the Resource Panel Co-ordinator for consideration at Resource Panel. Please see the [flow chart](#) for more details.
- 10.4 Once a decision has been made at Resource Panel, JFU will then write to the Special Guardian setting out the amount of financial support agreed by the Resource Panel 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.
- 10.5 A copy of this letter should be sent to the Welfare Benefits Officer.
- 10.6 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 case 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.
- 10.7 Where the Special Guardians were previously the child's foster carers - the local authority can maintain the fostering allowance for a transitional period of two years but with discretion to extend if necessary.
- 10.8 Where Special Guardians are in receipt of financial support, the Joint Finance Unit will write annually to them with 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.
- 10.9 If any change in financial support is considered appropriate, the recommended change should be forwarded to the Resource Panel for a decision. Where a change is approved, JFU will inform the Special Guardian in writing of the change, together with the reasons for the change.
- 10.10 Please click on the respective links below for the CareDirector business processes for:
- [Special Guardianship Private Application](#)
 - [Special Guardianship Public Application](#)

11 **Communication**

11.1 Communication is important, so information should be accessible to everyone. People with sensory communication disabilities may need documents in easy read, large print, audio or Braille formats for example. Others may need face to face communication support through a; British Sign Language Interpreter, deafblind interpreter, lip speaker or note taker (as recommended by the NHS Accessible Information Standard). If someone speaks (or reads) a language that is not English, they will need to have the appropriate language-spoken language interpreter and / or text translator'. Please see the [Families First Working with Interpreters and Translators Policy](#) for more information.

12 **Further information**

12.1 For more information on this policy please contact the County Manager for Adoption & Kinship