

Information leaflet

How is a Special Guardianship Order different from other forms of caring?

A special guardian may have had a different legal order or arrangement prior to gaining the Special Guardianship Order (SGO). Each arrangement is different and comes with different rights and responsibilities.

It is important that professionals ensure that special guardians have a clear understanding of the benefits and legal differences of a SGO in comparison with other legal orders.

The benefits of special guardianship for children

Special guardianship provides certainty for children about where and with whom they will be living until the age of 18 when they are unable to live with their birth parents. It is often used where adoption and Child Arrangements Orders (CAO) are thought to be unsuitable.

Special guardianship allows selected family members, some long term foster carers and other carefully chosen and very significant people in a child or young person's life to provide them with a permanent home without legally and permanently changing relationships with the child or young person's parents.

In most circumstances the child will have lived with the carer for some time before the SGO is granted. Research shows that children who are able to remain with extended family members often enjoy better mental health and behavioural outcomes as a result. SGOs may enable children to reinforce their existing identity through maintaining positive family and community ties.

In what ways is special guardianship different from other forms of legal orders and caring roles?

The table below highlights the differences between legal orders and caring roles. It outlines the time-period each arrangement lasts and gives a brief outline of the rights and responsibilities that come with the role.

	How long does it last?	Rights and responsibilities	What support is available?
<p>Special Guardianship Orders</p> <p>The child might have been living with you for some time or they may have been placed with you following care proceedings.</p>	<p>Until the child reaches 18 unless the court ends the order before then.</p>	<p>Parental responsibility of the child is shared with parents but you can make nearly all decisions regarding the child without the parent's approval.</p> <p>You are able to appoint a testamentary guardian to care for the child if you were to die.</p>	<p>If your child was 'looked after' prior to the SGO the local authority must assess your support needs.</p>
<p>Residence Orders and Child Arrangement Orders</p> <p>This allows the carer to formalize the arrangement and gain parental responsibility.</p>	<p>Until the child reaches 18 unless the court ends the order before then.</p>	<p>Parental responsibility is shared with parents.</p>	<p>No special support provided.</p>
<p>Adoption</p> <p>Family relationships are permanently changed and the carer is legally seen as the child's parent.</p>	<p>Adoption is permanent and a lifelong arrangement.</p>	<p>All parental responsibility is given to adoptive parents as if they were the child's birth parents.</p>	<p>Entitled to an assessment for support services by the local authority.</p>
<p>Private Foster Care</p> <p>For relatives who are not the child's grandparent, brother, sister, step-parent, uncle or aunt. This arrangement is intended to last more than 28 days.</p>	<p>As long as the carer and parent are happy with the arrangement.</p>	<p>The local authority must be made aware of private foster arrangements.</p> <p>The foster carer may do what is reasonable to safeguard the child.</p>	<p>Social workers might provide support. It is dependent up the local authority.</p>
<p>Kinship Foster Care</p> <p>The child is 'looked after' by the local authority who place the child with the kinship foster carer.</p>	<p>As long as the local authority decides it is in the best interest and the carer agrees to continue care.</p>	<p>Never have parental responsibility, this lies with the local authority.</p> <p>Responsibilities are set out in a foster care agreement and placement plan.</p>	<p>Support is given to meet the child's needs.</p> <p>Carers will be able to attend foster care training.</p>

Formal Kinship Care	As long as the carer and the parents agree with the arrangement.	This is a private arrangement so the carer has no formal parental responsibilities but can do what is reason able to safeguard the child.	No special support provided.
For close relatives of the child (grandmother, brother, sister, step-parent, uncle or aunt). The arrangement is made between the parents and the relative. The local authority has no involvement.			

Key points

- Special guardianship allows foster carers, family members and other significant people to care for the child until they are 18 without legally and permanently changing relationships with the child's parents.
- Research shows that children who are able to remain with extended family members often enjoy better mental health and behavioural outcomes as a result. Special guardians are able to appoint a testamentary guardian in their will.

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