

Information leaflet

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

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

It's important that you have a clear understanding of the benefits and legal differences a SGO has compared to other legal orders.

The benefits of special guardianship for children

Special guardianship provides certainty for children about where and who they will be living with when they can't live with their birth parents. It is often used where adoption and Child Arrangements Orders (CAO) are thought to be unsuitable.

Special guardianships allow foster carers, family members and other significant people to provide children with a permanent home without legally and permanently changing family relationships.

In most circumstances the child will have lived with you for some time before the SGO was granted. Children who remain with family members through SGOs are more likely to have better mental health and behavioural outcomes as a result of the stability of their placements. It also allows them to keep their identity through family and community ties.

In what ways is a 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 that role.

	How long does it last?	Rights and responsibilities	What support is available?
Special Guardianship Orders			
The child might have been living with you for some time or they may have been placed with you following care proceedings.	Until the child reaches 18 unless the court ends the order before then.	Parental responsibility of the child is shared with parents but you can make nearly all decisions regarding the child without the parent's approval. You are able to appoint a testamentary guardian to care for the child if you were to die.	If your child was 'looked after' prior to the SGO the local authority must assess your support needs.
Residence Orders and Child Arrangement Orders			
This allows the carer to formalize the arrangement and gain parental responsibility.	Until the child reaches 18 unless the court ends the order before then.	Parental responsibility is shared with parents.	No special support provided.
Adoption			
Family relationships are permanently changed and the carer is legally seen as the child's as the child's parent.	Adoption is permanent and a lifelong arrangement.	All parental responsibility is given to adoptive parents as if they were the child's birth parents.	Entitled to an assessment for support services by the local authority.
Private Foster Care			
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.	As long as the carer and parent are happy with the arrangement.	The local authority must be made aware of private foster arrangements. The foster carer may do what is reasonable to safeguard the child.	Social workers might provide support. It is dependent up the local authority.



Kinship Foster Care

The child is 'looked after' by the local authority who place the child with the kinship foster carer.

As long as the local authority decides it is in the best interest and the carer agrees to continue carer.

Never have parental responsibility, this lies with the local authority.

Responsibilities are set out in a foster care agreement and placement plan.

Support is given to meet the child's needs.

Carers will be able to attend foster care training.

Informal Kinship Care

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.

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.

Key points

- Special guardianships allow foster carers, family members and other significant people to have permanency of the child without legally and permanently changing family relationships.
- Children who remain with family members through SGO's are more likely to have better mental health and behavioural outcomes as a result of the stability of their placements.
- Special guardians are able to appoint a testamentary guardian in their will.

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