

Information leaflet

Regulation and statutory obligations

Regulations and statutory guidance The Department for Education updated the Special Guardianship guidance for local authorities in January 2017. You can find the full guidance on the government website at www.gov.uk/government/publications/special-guardianship-guidance.

Support local authorities should provide to special guardians

All special guardians are entitled to apply for the means-tested Special Guardianship Allowance. The allowance includes one-off costs as well as regular on-going support. It is set in line with the local authority's foster payments and takes into account child benefit and child tax credit. The allowance is reviewed annually, can be reduced or stopped and is sometimes only issued for a specified period of time. The allowance is part of a framework of additional support local authorities should provide for special guardians. A local authority must tell a special guardian about the support available to them and provide them with details about how they can ask for an assessment of their support needs.

As well as the allowance, local authorities will have a range of support available that can be offered at their discretion to a special guardian, child or birth family. This support can include:

- Support with contact arrangements. This might include providing support around supervision of contact or cover associated travel or activity costs.
- Mediation services. Mediation can be used to resolve difficulties which can arise during contact or where the carer and the child's parents disagree about important decisions.
- Support to build relationships. This can include training such as specialist parenting programmes or respite care.
- Therapeutic services for the child. This can cover counselling or therapy to help the special guardian cope with challenging behaviour.
- Support groups for special guardians, children and birth parents

All special guardians are entitled to ask for an assessment of their support needs but this does not mean that the local authority will provide one. If the child was 'looked after' before the SGO was granted then an assessment must be carried out. However if the child was not 'looked after' immediately before the SGO was granted the local authority does not have to carry out an assessment. The child's parents, a special guardian, the child, a relative of the child or other person with a relationship with the child can request the assessment.



If the local authority is unable to provide an assessment or decides not to provide support, the special guardian must be given an explanation and 28 days to respond to the decision. If turned down a second time they are entitled to make a complaint.

If support is provided the local authority should write a draft support plan which special guardians can comment on within 28 days. After 28 days the plan will be finalized and confirmation will be given to the special guardian as to what support they will receive and the name of the person within Children's Services who is overseeing the support plan.

If a special guardian thinks that their child needs to be assessed as they require extra help with their development they can ask for the child to be assessed under section 17 of the Children Act 1989 as a 'child in need'.

Children who were looked after by a local authority immediately before a SGO was made and are aged 16 and 21 years may also qualify for the advice and assistance available to care leavers from their local authority.

Family Action Head Office 24 Angel Gate, City Road, London, EC1V 2PT

T: 020 7254 6251 F: 020 7249 5443 info@family-action.org.uk www.family-action.org.uk

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