

Children and Young People's Department**Policy on financial support for Special Guardianship and Assisted Residence Orders****New applicants for post Special Guardianship Order support**

1. Financial support will only be paid in the following circumstances to special guardians, according to regulation 6 of the Special Guardianship Regulation 2005 and where the criteria detailed below apply.
2. For special guardians or prospective special guardians, financial support is payable to facilitate arrangements for a person to become a special guardian where the local authority consider such arrangements to be beneficial to the child's welfare; or to support the continuation of such arrangements after a special guardianship order is made.
3. Financial support will only be payable where there has been an assessment that one of the following circumstances exist.
 - where it is necessary to ensure that the carer can look after the child
 - where the child needs special care which requires greater expenditure of resources by reason of illness, disability, emotional or behavioural difficulties, or the continuing consequences of past abuse or neglect
 - where the local authority considers it appropriate to contribute to legal costs, including court fees of a special guardian or prospective special guardianship for the making of a special guardianship order or the discharge of such an order; or an applications for an order under Section 8 of the Children Act 1989; or an order for financial provision to be made to or for the benefit of the child
 - where the local authority considers it appropriate to contribute toward to the expenditure necessary for the purposes 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 clothing, toys and other items necessary for the purpose of looking after the child.
4. Where it has been determined that financial support is to be considered a full financial assessment of the person's circumstances will be undertaken by an officer of the council with expertise in financial assessments in conjunction with the allocated social worker according to Regulation 13 of the Special Guardianship Regulations 2005. The financial assessment will take into account the person's financial resources, their reasonable outgoings and commitments and the financial needs and resources of the child including any tax credit or benefit which would be available to the potential special guardian if the child lived with them. The Council considers a full assessment rather than a formula based calculation is in more accordance with Regulation 13 of the Special Guardianship Regulations 2005 and allows for greater flexibility to ensure the particular needs of the individual child can be supported.
5. The amount of financial support will not be based on the fostering allowance, except for former foster carers where it will be assumed that they should not be at any financial detriment by becoming special guardians.

6. Any decision to provide financial support will be made by the Head of Branch for Children's Social Care or the officer they have delegated to make the decision, following a recommendation of the permanency panel.
7. The carer has 28 days to appeal the proposed plan for support services. The appeal will be considered by the Director of Children's Services.
8. Financial support can be paid as:
 - Periodical payments to meet the need which is likely to give rise to recurring expenditure or
 - A single payment or
 - Payment by instalments
9. Where the special guardian was receiving fostering allowance for the child, as an approved foster carer, immediately prior to the Order they will continue to receive the skills fee (element of remuneration) paid for that child prior to the order for 2 years following the order. The skills fee will cease after 2 years unless there are exceptional reasons for this to continue.
10. Where financial support is being considered for
 - Any legal costs, including court fees, associated with the application for Special Guardianship where the child was previously looked after by the local authority and the authority support the making of the order or any application to vary or discharge a Special Guardianship order for such a childthe carer's financial resources and commitments **will not** be taken into account .
11. Where financial support is being considered for
 - Initial costs of accommodating a child i.e. furniture, clothes who has been looked after by the local authority
 - Recurring costs for travel to facilitate contact between the child and a related person
 - A financial package for any special care relating to illness, disability, emotional or behavioural difficulties or the consequences of past abuse or neglect for any child that was previously looked after
 - Any skills fees being paid as a result of being a former foster carer as detailed in 20.the carer's financial resources and commitments **may be disregarded**.
12. All carers will be encouraged to seek welfare benefits advice to ensure that they are receiving all eligible benefits.
13. Before receiving any financial support paid periodically the carers must agree to:
 - inform the Children and Young People's Department immediately if they change address, the child dies, the child leaves home, ends education or training, starts employment or qualifies for Income Support or Jobseekers Allowance in their own right, or there is a change in their financial circumstances or their financial needs
 - be subject to an annual review
14. The annual review will require the special guardians to confirm their eligibility for financial support, provide a summary of their current financial circumstances, provide

information about any significant changes in their financial circumstances since the last review and to provide information about any changes in the financial needs and resources for the child., their address and whether the child has a home with the carers.

15. A full financial assessment for eligibility for financial support will undertaken when there are
 - any notified changes of financial circumstances for the family or notified changes in the needs and resources of the child
 - any potential breaches in the conditions outlined in 20 come to the notice of the local authority and
 - at any stage in the implementation of the support plan that the local authority considers is appropriate..
16. There will be no assumption of an annual increase in line with inflation except for those whose financial support is based on the fostering allowance when the periodic payments will be increased each year in accordance with any increase in the fostering allowance.
17. If as a result of the review the local authority is proposing to reduce or terminate the financial support, the local authority will write to the special guardians to give them the opportunity to make representations within a 28 day period.
18. The Director of Children's Services will consider the representation and make a decision whether to vary or terminate the payment, seek recovery of all or part of any overpayment or revise the financial support plan.
19. The local authority will write to the special guardian to inform them of the decision of the review of the financial support and their reasons for any variation of the plan.
20. Any ongoing financial support will cease to be payable to a special guardian or prospective special guardian if—
 - the child ceases to have a home with him;
 - 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; or
 - 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.

New applications for Assisted Residence Orders

21. Financial support will only be paid in the following circumstances to a carer with a Residence Order in respect of a child according to Schedule 1, paragraph 15, of the Children Act 1989 and where the criteria detailed below apply.
22. Where a child lives, or is to live, with a person as the result of a residence order, a local authority may make contributions to that person towards the cost of the accommodation and maintenance of the child.
23. Financial support will not be considered under this policy where the person with whom the child lives, or is to live, is a parent of the child or the husband or wife or civil partner of a parent of the child.

24. Financial support will only be payable where there has been an assessment that one of the following circumstances exist.
- where it is necessary to ensure that the carer can look after the child
 - where the child needs special care which requires greater expenditure of resources by reason of illness, disability, emotional or behavioural difficulties, or the continuing consequences of past abuse or neglect
 - where the local authority considers it appropriate to contribute to legal costs, including court fees for the person applying for a Residence Order or the discharge of such an order; or an application for any other order under Section 8 of the Children Act 1989; or an order for financial provision to be made to or for the benefit of the child
 - where the local authority considers it appropriate to contribute toward to the expenditure necessary for the purposes 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 clothing, toys and other items necessary for the purpose of looking after the child.
25. Where it has been determined that financial support is to be considered a full financial assessment of the person's circumstances will be undertaken by an officer of the council with expertise in financial assessments in conjunction with the allocated social worker. Whilst there are no similar regulations for Assisted Residence Orders, the principles of the Special Guardianship Regulations will apply and the financial assessment will take into account the person's financial resources, their reasonable outgoings and commitments and the financial needs and resources of the child including any tax credit or benefit which would be available to carer if the child lived with them.
26. The amount of financial support will not be based on the fostering allowance, except for former foster carers where it will be assumed that they should not be at any financial detriment by applying for a Residence Order.
27. Any decision to provide financial support will be made by the Head of Branch for Children's Social Care or the officer they have delegated to make the decision, following a recommendation of the Permanency Panel
28. The carer has 28 days to appeal the proposed plan for support services. The appeal will be considered by the Director of Children's Services.
29. Financial support can be paid as:
- Periodical payments to meet the need which is likely to give rise to recurring expenditure or
 - A single payment or
 - Payment by instalments
30. Where the carer with a residence order was receiving fostering allowance for the child, as an approved foster carer, immediately prior to the Order they will continue to receive the skills fee (element of remuneration) paid for that child prior to the order for 2 years following the order. The skills fee will cease after 2 years unless there are exceptional reasons for this to continue.

31. Where financial support is being considered for
- Any legal costs, including court fees, associated with the application for Residence Order where the child was previously looked after by the local authority and the authority support the making of the order or any application to vary or discharge a Residence Order for such a child
- the carer's financial resources and commitments **will not** be taken into account .
- 32.. Where financial support is being considered for
- Initial costs of accommodating a child i.e. furniture, clothes who has been looked after by the local authority
 - Recurring costs for travel to facilitate contact between the child and a related person
 - A financial package for any special care relating to illness, disability, emotional or behavioural difficulties or the consequences of past abuse or neglect for any child that was previously looked after
 - Any skills fees being paid as a result of being a former foster carer as detailed in 20.
- the carer's financial resources and commitments **may be disregarded.**
33. All carers will be encouraged to seek welfare benefits advice to ensure that they are receiving all eligible benefits.
34. Before receiving any financial support paid periodically the carers must agree to:
- inform the Children and Young People's Department immediately if they change address, the child dies, the child leaves home, ends education or training, starts employment or qualifies for Income Support or Jobseekers Allowance in their own right, or there is a change in their financial circumstances or their financial needs
 - be subject to an annual review
35. The annual review will require the special guardians to confirm their eligibility for financial support, provide a summary of their current financial circumstances, provide information about any significant changes in their financial circumstances since the last review and to provide information about any changes in the financial needs and resources for the child., their address and whether the child has a home with the carers.
36. A full financial assessment for eligibility for financial support will undertaken when there are
- any notified changes of financial circumstances for the family or notified changes in the needs and resources of the child
 - any potential breaches in the conditions outlined in 41 come to the notice of the local authority and
 - at any stage in the implementation of the support plan that the local authority consider is appropriate..
37. There will be no assumption of an annual increase in line with inflation except for those whose financial support is based on the fostering allowance when the periodic payments will be increased each year in accordance with any increase in the fostering allowance.

38. If as a result of the review the local authority is proposing to reduce or terminate the financial support, the local authority will write to the carers to give them the opportunity to make representations within a 28 day period.
39. The Director of Children's Services will consider the representation and make a decision whether to vary or terminate the payment, seek recovery of all or part of any overpayment or revise the financial support plan.
40. The local authority will write to the carers to inform them of the decision of the review of the financial support and their reasons for any variation of the plan.
41. Any ongoing financial support will cease to be payable to a person with a residence order if—
 - the child ceases to have a home with him;
 - 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; or
 - the child attains the age of 18.

Permanency Panel

42. The Permanency Panel will comprise of at least three of the following: the Strategic Service Manager - Children's Resources, the Service Manager for Looked After Children, an Independent Reviewing Officer, a field social worker (independent from any of the cases being presented), an advisor on financial assessments.
43. The Permanency Panel will consider:
 - the suitability of all applicants to become special guardians
 - the suitability of carers to apply for a residence order,
 - the suitability of the match for the child to the proposed carer.
 - the proposed support plan
 - the financial support in relation to Special Guardianship and Assisted Residence Orders.
44. Social workers will present the information to the panel about the suitability of the carers and the appropriate match for the child, the support plan and financial needs of the family in order for them to care for the child. The officer who has undertaken the detailed financial assessment will provide the detail to the panel members who will consider all items of income and expenditure and whether these are reasonable costs. The carers will have the option to attend the panel. The panel will make a recommendation about whether any financial support should be periodical payments to meet the need which is likely to give rise to recurring expenditure or a single payment or payment by instalments, when any payments should start and the amount of any payments.
45. The panel will make recommendations to the decision maker for each of the cases presented.

Special Guardians and people with Residence Orders currently in receipt of periodic payments.

46. Where periodic payments are already in place for Special Guardians and people with Residence Orders they will be subject to annual review as detailed above and a full financial assessment will only be undertaken if their financial circumstances change considerably.

47. Where the original decision was to continue payments until the child is 16 or 18 if in full time education, this will continue to apply and the annual review will request details only that the individual remains eligible for receipt of ongoing payments.