Support to Special Guardians

1.0 SUMMARY OF THE REPORT

1.1 This report provides information about the improvements to our support to Special Guardians in line with the Code of Practice and our development of the Early Help Hub.

2.0 INTRODUCTION AND BACKGROUND

2.1 Special Guardianship Orders (SGO) were introduced in England and Wales in December 2005 to provide, ‘an alternative legal status for children that offers greater security than long term fostering but without the absolute legal severance from the birth family that stems from an Adoption Order’. In 2018, Welsh Government published its Code of Practice for Special Guardianship under the Social Services and Wellbeing (Wales) Act 2014 and it includes an emphasis on Special Guardianship Orders providing a ‘firm foundation on which to build a lifelong permanent relationship between the child and their carer’ (Special Guardianship (Wales) Regulations 2018: Guidance).

2.2 Applications for a Special Guardianship Order can be made by any of the following identified in the list below but most often arise from the process of Care Proceedings during which the authority has identified and assessed a relative as based placed to meet a child’s permanent needs. The Special Guardian will have Parental Responsibility (PR) for the child and will have responsibility for the day-to-day
decisions about caring for the child to the exclusion of anyone else who might have PR (apart from another Special Guardian).

2.3 Those who can apply for Special Guardianship:
- Any guardian of the child;
- Where the child is subject of a Care Order or an Interim Care Order, any person who has the consent of the Local Authority;
- A Local Authority foster carer who is a relative of the child or with whom the child has lived for one year immediately preceding the application (even if the Local Authority does not consent);
- Anyone who is named in a Child Arrangement Order as a person with whom the child is to live;
- Anyone who has the consent of each person named in a Child Arrangements Order as a person with whom the child is to live;
- Anyone with whom the child has lived for three out of the last five years providing that the child has not ceased to live with the proposed applicant for more than 3 months before the making of the application;
- Anyone who has the consent of all those with PR for the child; or
- Any other person (including the child and other than a parent) may apply for a SGO if he/she has obtained the leave of the Court to make the application.

2.4 Table 1 below provides information about the increasing number of Special Guardians known to Children’s Services.

<table>
<thead>
<tr>
<th>Date</th>
<th>Number of Special Guardians Known to Children’s Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>01.01.16</td>
<td>79</td>
</tr>
<tr>
<td>01.01.17</td>
<td>90</td>
</tr>
<tr>
<td>01.01.18</td>
<td>111</td>
</tr>
<tr>
<td>01.01.19</td>
<td>127</td>
</tr>
</tbody>
</table>

3.0 CHILDRENS SERVICES DUTIES TO SPECIAL GUARDIANS

3.1 Merthyr Tydfil County Borough Council will be responsible for providing the Special Guardianship support services for a period of 3 years to children who were looked after by the Council prior to the SGO being made, even if the child is no longer living in the Merthyr Tydfil County Borough Council area. The Code of Practice sets out the following duties to local authorities. The authority should develop a support services plan in consultation with the child, Special Guardian and health services (where a need is identified) and review that plan once per year.

- To provide information to applicants.
- To carry out assessments in line with Court Guidance.
- To provide support including any of the following:
  - Information, advice and assistance;
  - Financial support;
  - SGO support groups and networks;
- Assistance with contact arrangements between child and parent, including training/support on managing this;
- Therapeutic services for the child;
- Assistance to maintain the relationship including parenting courses, managing behaviour, short breaks;
- Mediation; and
- Also consider support from mainstream services, including Health Services, including CAMHS, education provision, housing and being made aware of their entitlement to Social Security Benefits and Tax Credits as appropriate, as well as support that may be offered for children who have care and support needs, are looked after or who are adopted.

3.2 Many Special Guardians do not ask for help, however some of the children looked after by Special Guardians have similar needs to looked after young people, albeit the advantage for their identity of being within the family or kinship network. The rate of breakdown is as low as 2%.

3.3 Given the publication of the Code of Practice, Children’s Services have developed Practice Guidance for practitioners in order to optimise and standardise our practice in this area.

3.4 As part of a new development, we have located our support to Special Guardians within the Early Help Hub and await decision about an ICF bid that will fund a support worker post to support Special Guardians, carry out reviews and develop Information, Advice and Assistance for Special Guardians. We are seeking to establish a relationship and networks for special guardians that would promote early identification of need and take up of relevant preventative services in a way that would avoid escalation of need and risk wherever possible.

3.5 Children in special guardianship arrangements who have needs for care and support will access children’s services in the same way as any other child would.

4.0 FINANCIAL IMPLICATIONS

4.1 The Council’s current financial circumstances are well understood. The objective of the support to special guardians is early identification and prevention. Special Guardianship provides a positive alternative to being looked after and therefore is an efficiency in as much as it represents avoidance of increasing numbers in the care system.

4.2 Financial support to special guardians is subject to means testing and is in line with Welsh Government published national minimum rates.

4.3 The delivery of this work will be within existing budgets, Children’s Services will need to evaluate the effectiveness of grant investment prior to the 2 year lifetime of the grant in order to make a decision about whether existing resources will continue to provide that service and avoid exceeding budget limits.
5.0 STAFFING IMPLICATIONS

5.1 Once there is clarity about the ICF funding, recruitment to the post will commence.

6.0 INTEGRATED IMPACT ASSESSMENT

6.1

<table>
<thead>
<tr>
<th>Positive Impacts</th>
<th>Negative Impacts</th>
<th>Not Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Merthyr Tydfil Well-being Objectives</td>
<td>4 of 4</td>
<td>0 of 4</td>
</tr>
<tr>
<td>2. Sustainable Development Principles - How have you considered the five ways of working:</td>
<td>5 of 5</td>
<td>0 of 5</td>
</tr>
<tr>
<td>Long term</td>
<td>Prevention</td>
<td>Integration</td>
</tr>
<tr>
<td>3. Protected Characteristics (including Welsh Language)</td>
<td>0 of 10</td>
<td>0 of 10</td>
</tr>
<tr>
<td>4. Biodiversity</td>
<td>0 of 1</td>
<td>0 of 1</td>
</tr>
</tbody>
</table>

Summary:
There are no negative impacts to the changes proposed, and therefore no further adjustments are suggested.

LISA CURTIS JONES  
CHIEF OFFICER (SOCIAL SERVICES)

COUNCILLOR CHRIS DAVIES  
CABINET MEMBER FOR SOCIAL SERVICES

<table>
<thead>
<tr>
<th>Report Title</th>
<th>Document(s) Date</th>
<th>Document Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabinet Report: Children’s Services Re-configuration</td>
<td>June/July 2019</td>
<td>Council Website and Civic Offices</td>
</tr>
<tr>
<td>Cabinet Report: Early Help Hub</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Does the report contain any issue that may impact the Council’s Constitution? No

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.