



# Financial Support Available under a Special Guardianship Order

The expectation of the Local Authority is that children subject to a Special Guardianship Order will be financially supported in the same way as any other child living with their family or permanent carer; namely through employment supplemented by benefits as appropriate, or through income support. In certain circumstances, it is reasonable that the Special Guardians may require additional financial support from the Local Authority. If this is the case, a financial assessment would be required to determine the amount of support needed by the Guardian. However, prior to applying for financial support, income must first be maximised by accessing all eligible benefits.

A Special Guardian can claim Child Benefit and they may be eligible for Child Tax Credits/Universal Credit. In addition, the Order does not remove the birth parents' obligation to financially support the child, and this avenue should also be explored.

Financial support agreed by the Local Authority will be included in the Support Plan and is typically available for a period of up to 12 months or up to two years for Foster Carers following the Order being made. The Local Authority will notify the Guardian 28 days before the end of that period to advise that the financial support will cease.

In certain limited circumstances where there is likely to be recurring expenditure, an ongoing periodic payment by the Local Authority may be agreed. Any financial support provided will be reviewed on a yearly basis via the Local Authority's annual Means Test.

Where the Local Authority are supporting the application for a Special Guardianship Order, the Authority will provide funding to cover the cost of a legal consultation to enable the prospective Guardian to discuss the options with a Solicitor before the final hearing.

If the Guardian was the Foster Carer for the child (excluding Fostering For Adoption placements) immediately prior to the Special Guardianship Order being granted, there are other financial provisions available.

Foster Carers will continue to receive a fortnightly allowance to allow the family time to adjust to their new circumstances when transitioning from Foster Care arrangements to Special Guardianship. This allowance will remain in effect at the same rate (minus Child Benefit) and will be paid for a two-year period following the Order being made. This is a non-Means Tested allowance.

In the main an allowance will continue beyond this two-year period and it will be subject to a Means Test. The Special Guardian will be entitled to a Means Tested allowance until the child is 18 years old, however it is subject to a means test review on an annual basis.

#### Non-Means Tested Allowance:

In exceptional circumstances, the Local Authority can consider providing a Non-Means Tested Allowance. These are considered on a case-by-case basis and could be offered where the presenting needs of the child/ren is unique and exceptional. The decision to offer this will be informed from a Needs Based Assessment that is completed by the Adoption & Special Guardianship Support Team based in the Regional Adoption Agency. The Special Guardians can request this as at any point after the outcome of the Means Test is known.

Should the Needs Based Assessment recommend a Non-Means Tested Allowance, then this will be presented to a Senior Manager in Children's Services to make the decision. The Senior Manager's decision will be informed by the Needs Based Assessment and the means tested outcome. The Senior Manager can request any other information that they feel is necessary. The outcome of the request for a Non-Means Tested Allowance will be sent to the Special Guardians in writing.

Should the Needs Based Assessment not recommend a Non-Means Tested Allowance, the Special Guardians will be informed in writing by the Adoption & Special Guardianship Support Team.

#### Appeals process:

Should the Special Guardian not agree with the outcome of the request for a Non-Means Tested Allowance they can appeal this. Their appeal will need to be in writing to the Adoption & Special Guardianship Support Team and outline:

- The reason for the appeal
- Why consider the decision is not correct.
- What they are seeking as a remedy.

The appeal will be considered by an independent Senior Manager and the outcome of the appeal will be sent to the Special Guardians in writing from the Senior Manager.

Any further appeals to this decision will be considered by the Executive Director of Children's Services and will need to include in writing and outline:

- The reason for the appeal
- Why consider the first appeal decision is not correct.
- What they are seeking as a remedy.

The Special Guardians can also make representation to the Children's Complaints & Feedback Team at any point and this will be processed in line with the Children's Services Representation and Complaints Procedure.