



Cyngor Bwrdeistref Sirol  
**MERTHYR TUDFUL**  
**MERTHYR TYDFIL**  
County Borough Council

**No detriment policy:**  
**Transfer from Kinship Care to Special Guardianship**  
**Orders.**

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## **Purpose of this Scheme:**

To provide financial support for foster carers of children who would be suitable to become SGO carers for the children in their care but are reluctant to do so because of their concern that this would mean a reduction in their household income.

This scheme is intended to support foster carers to make this change, where it is in the long-term interests of the children concerned, by providing payments to support the household income. These payments will be made in addition to the standard SGO payments and will ease the problem of a potential reduction in household income when transferring from a fostering arrangement to special guardianship.

This scheme is designed to support foster carers, in exceptional circumstances to make this change, and in so doing will support the authority's objective of meeting the future emotional and well-being needs of these children and create long-term stability for them.

The purpose of this policy is to support these placements this being more like a family placement and that this is a long-term permanency option where the child effectively becomes part of the family.

As part of this policy, the Local Authority formally commits to the stability of SGO placements at SGO panel when the change from fostering level payments to SGO payments can be discussed, for exceptional cases, to continue to support the family at fostering payments level (at time the SGO was granted).

At SGO panel, the stability of the placement and the best interests of the child will be fully considered to prevent fragility of the placement. Any additional ongoing financial support will be written into the plan ongoing. The Local Authority commits to the ideology that no placement should fail or become unstable due to financial reasons.

## **Legal and Policy Context**

- The Adoption and Children Act 2002
- Children Act 1989
- Special Guardianship (Wales) Regulations 2005
- Social Services and Well-being (Wales) Act 2014
- The Special Guardianship (Wales) (Amendment) Regulations 2018
- Special Guardianship Code of Practice on the exercise of social services; functions in relation to Special Guardianship Order 2018
- United Nations Convention on the Rights of the Child (UNCRC)
- Special Guardianship Finance policy
- Care Planning, placement and Case review (Wales) Regulations (2015)

## **Code of Practice (COP) for Special Guardianship Orders (2018):**

The CoP states that:

- Financial support must not include any element of remuneration (5.14)
- LAs may provide financial support above the usual level where the special guardian was the child's foster carer (5.20)
- The additional payments must cease after two years unless the LA considers that the payments are necessary because of exceptional circumstances (5.21)
- No special guardianship arrangement should fail, or fail to go ahead, solely because of financial barriers (5.11)

The above criteria have been considered and on balance the LA considers that a child moving from Foster Care to SGO is an exceptional circumstance and criteria 5.21 of the CoP is fundamental to preventing placement breakdown (5.11).

### **Criteria and Eligibility for this Scheme:**

This scheme is for carers who are currently approved foster carers caring for Merthyr Tydfil County Borough Council City Council Children Looked After; including kinship foster carers. These carers must have been assessed by Merthyr Tydfil County Borough Council City Council as being suitable to transfer to a Special Guardianship arrangement specifically for the children they are currently caring for.

Any Payments above the usual assessed SGO allowance will support the carers financially during the period of the SGO unless other timescales are agreed at SGO panel and will help promote a beneficial long-term care arrangement for the children outside the traditional 'Care System'. This scheme is not applicable for carers who currently have an SGO or CAO or any other similar arrangement.

Regulation 26 carers will be considered on a case-by-case basis considering the 'no special guardianship arrangement should fail, or fail to go ahead, solely because of financial barriers (5.11) of the SGO Code of Practice.

Any additional payments based on the child's need, on a short-term basis, such as nursery fees or support to transport to school will not be considered within this scheme but these should be requested and discussed separately within the SGO support plan and agreed by the Principal officer for Fostering and Residential Services/ Principal Officer for Permanence.

IFA and third sector foster carers who are caring for Merthyr Tydfil County Borough Council City Council Looked After Children and being supported by the LA to apply for an SGO will be considered on a case by case basis. No payments will be more than

the amounts that the carers were receiving to provide care through their agency/provider.

If carers are receiving additional monies through the PASS scheme or the disabled children's finance scheme these payments will be considered during SGO panel.

### **Amount of Payment:**

The carer will be expected to make applications for financial support which would be available to them as SGO carers, via national financial support schemes. i.e. Child Benefit, tax credits, universal credit, DLA if applicable, and any other similar financial support which may become available. The authority will take these into account when calculating the additional payment offered to the carer. The payment will also consider specific requirements, and needs of the children placed, and the child's social work team and fostering team will provide information to support this.

The additional Payment will support the carer's household income, but it is not intended to produce a household income that would be higher than would be received if the SGO carer were to still be receiving MTCBCs published foster carer payments for children of that age or payments they receive from their fostering agency/provider at the time of making the SGO.

The additional Payment will be agreed within the SGO panel and length of funding agreed. Payments will be made monthly with the SGO payment, by BACS into the carer's bank. Payments will start when SGO is approved by court and child is in placement.

Any ongoing financial support will be written into the plan ongoing and can be reviewed.

The Local Authority commits to the ideology that no placement should fail or become unstable due to financial reasons this includes any financial fragility of carers who have changed from foster carer to SGO carer. This includes, in exceptional circumstances, providing ongoing allowances to continue to stability of the placement.

Ongoing payments equivalent to the current fostering allowances when the SGO was made can be agreed if we as a LA consider the benefit of a child in a SGO placement such that it becomes an 'exceptional circumstance' to pay an ongoing amount in cases where it would not otherwise be possible to achieve this degree of permanency for a child.

### **Review:**

The arrangement and the payment made will be reviewed at regular intervals; the first review will usually be after at 8 weeks and then 12 months and then held in line with the SGO financial review.

The review periods will be no longer than 12 months, but additional reviews may be scheduled if circumstances change or either party requests a review.

Reviews will consider the wellbeing and needs of the children, and future payments to be made and carers will be expected to provide details of other financial payments and benefits they are eligible for whilst they are in receipt of this additional payment.

Payments may be subject to change and the authority will make the final decision on payments to be made after consultation with the carer and consideration of all relevant information.

If exceptional circumstance payments have been agreed at review or at time of SGO these will only end if the child leaves the placement, or the placement ends. Payments can be agreed up until the child leaves care at age 18 years or post 18<sup>th</sup> birthday if the young person remains in education up until the end of that school academic year. The carers need to provide evidence the young person remains in education post 18 years for payments to continue to the end of that school academic year.

For support post 18 years please see the category 5 SGO policy for eligibility.

### **Decision and Authorisation for Payment**

- Childcare social worker and the foster carer's supervising social worker will make a recommendation giving reasons why the payment is appropriate and the amount to be paid.
- The recommendations will be discussed by their Team Managers and if agreed, a proposal will be made on the appropriate SGO plan and agreed at SGO panel.
- If approved, Business Support Team will arrange to start payments once SGO has been granted.
- SGO financial/wellbeing reviews will be used to implement any changes agreed, as needed.
- If the child leaves the placement, the carer must inform the Special Guardianship Support Worker who will confirm the leaving date, and then Payment and SGO payment will cease from that date. The SGO support worker will inform the Business Support Team who will arrange to end payment and reclaim any overpayment that may have been made.

### **Appeal**

Any appeals, or disagreements that may arise, will be considered by the Head of Children & Young People Service, who will make a final decision.

There will be no further route to appeal beyond this.

## Feedback Form

Name of Policy:

Please insert identifying details from 'Document History' from the front cover

Version Number:		Status: (draft/final)	
Date Written:		Date of Issue for consultation	

The **Team Manager** would value your suggestions and comments for consideration for the next **Review**. We would really like your feedback on this document and would welcome your views on what should be added, taken away, or changed. We would also like to be advised of:

- Related evidence based practice or training issues
- Any areas of practice which would benefit service user care by being added to the document, or any other aspects of practice which should be included here
- Any factual errors or inaccuracies in the document
- Other related issues which would help inform the Policy.

Please use the space below and overleaf for your comments.

It would be helpful if you could date your comments.

Please feel free to add or withhold your own identifying details as you see fit.

Please return your views to

If you would like this information in another language or format, please contact the Team Manager



