

Special Guardianship Order



Cyngor Bwrdeistref Sirol
MERTHYR TUDFUL
MERTHYR TYDFIL
County Borough Council

What is a Special Guardianship Order ?

A Special Guardianship Order is a Court Order appointing one or more individuals to be a child's "Special Guardian". It is intended for those children who cannot live with their birth parents and who would benefit from a legally secure placement. It is more secure than a Child Arrangements Order because a parent cannot apply to discharge it unless they have the permission of the court to do so.

However, it is less secure than an Adoption Order as it does not end the legal relationship between the child and his or her birth parents. A Special Guardian has responsibility for day-to-day decisions relating to a child's upbringing, which can be exercised to the exclusion of any other person with parental responsibility apart from other special guardians.

What support is available for special guardians?

The Code of Practice for Special Guardianship in Wales (2019) places a new duty on Local Authorities to make certain people aware of their right to request an assessment of their need for Special Guardianship support services. These include Special Guardians, prospective Special Guardians, children subject to Special Guardianship arrangements, and children of Special Guardians.

Support could be in the form of Financial Support, Peer Support, Contact, Therapeutic Services, Assistance to promote relationship stability, access to training and mediation.

The regulations tell us the specific support services that Local Authorities must ensure is provided to Special Guardians, children and other people involved in Special Guardianship arrangements. Local Authorities do not have to provide these services directly but can arrange for them to be delivered in partnership with other agencies.

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If support is provided, the details will be written down in a plan called a Special Guardianship Support Services Plan. If the Special Guardian or child no longer needs support, the Social Worker will end their involvement. However, the Special Guardian can continue to seek advice and guidance from the Special Guardianship Order support workers in the Fostering Team, see below for contact details.

Financial Support

A Special Guardian may be entitled to financial support, which is considered as part of a means tested financial assessment. This assessment is reviewed every year or if a Special Guardian's financial situation changes. Payments will stop once the Special Guardianship Order ends, for example when a child is 18, their care arrangements change, or if they enter full time employment. In addition to the financial support from the Local Authority, a Special Guardian can also apply for child benefit and may be entitled to child tax credits.

Special Guardianship Order Support Team

The Special Guardianship Order Support Team is committed to providing support to Special Guardians who live in Merthyr Tydfil. The Local Authority will keep in contact with the Special Guardian, at least once every year to offer assessments to check if there have been any changes in your situation. The Support Worker will work with the family and professionals to ensure Special Guardians can access the support they need at that time whether this is provided by the Local Authority or other services in the community.

*The Special Guardianship Support Team is available five days per week Mondays to Thursdays 8.30am-5pm and Fridays 8.30am-4.30pm. The Team can provide advice, assistance and signpost to the most appropriate services. **They can be contacted on 01685 725000 by requesting to speak with the SGO Workers.***

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Special Guardians will have a named person in the Local Authority that can act as a point of contact should carers need advice and assistance at any time.

Special Guardianship Orders and Leaving Care Support

The law says that a 'category 5 young person' is defined as a person between 16 and 21 and subject to a SGO (or was when he or she turned 18), and who was **looked after** immediately before the Order was made.

The Special Guardianship Order Support Team works closely with the Leaving Care Service, who may be able to offer support to some young people who have been subject to a Special Guardianship Order. An assessment would be done to find out what support the young person needs and who is the best service to provide this support.

The Special Guardianship support worker will write to the carers and the young person prior to the child reaching the age of 18 advising them of their right to have an assessment.

In many cases, the Special Guardians, family members, universal services and preventative services will be able to meet the needs of the young person without the need for assistance from Children's Services. The assessment will be completed by the Special Guardianship Order Support Worker with the young person and their carers.

However, there will be some young people whose Special Guardians are unable to meet their needs even with the support of universal and preventative services. For these young people the assessment may say that they need support from the Leaving Care service.