

<b>Item No.</b> 9.	<b>Classification:</b> Open	<b>Date:</b> 19 April 2023	<b>Meeting Name:</b> Corporate Parenting Committee
<b>Report title:</b>		Special Guardianship	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Director of Children and Families	

## RECOMMENDATION

1. That the corporate parenting committee note the contents of this report about the activity of the council in assessing and supporting children who may become or are subject to special guardianship orders (SGO).

## BACKGROUND INFORMATION

### What is a special guardianship order (SGO)?

2. A special guardianship order (SGO) is a legal order that appoints one or more persons to be a child's special guardian, giving them parental responsibility for the child. Parental responsibility is a legal term under the Children Act 1989 that means all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property.
3. An SGO gives the special guardian parental responsibility for the child to enable them to make all major decision about the child's upbringing and care. An SGO also restricts the birth parents' parental responsibility but does not end this as happens in adoption.
4. Children subject to an SGO are not in the care of the council although they are likely to have been in care for a period of time before the SGO is made.

### Special guardianship as a form of kinship care

5. Kinship care<sup>1</sup> is when a child lives full-time or most of the time with a relative or friend who isn't their parent, usually because their parents aren't able to care for them. That relative or friend is called a 'kinship carer'. It is estimated that around half of kinship carers are grandparents, but many other relatives including older siblings, aunts, uncles, as well as

<sup>1</sup> <https://kinship.org.uk/for-kinship-carers/what-is-kinship-care/> Definition of Kinship Care

family friends and neighbours are also kinship carers.

6. Kinship care includes children who may be:
  - i. Living in an informal arrangement made by parents
  - ii. Looked after by the council and placed with a kinship foster carer
  - iii. Subject to an SGO or child arrangements order (CAO).
7. There are significant benefits to children if they can be cared for within their family network. International research shows that children in kinship care<sup>2</sup> benefit from increased placement stability compared to children in local authority care, and are more able to maintain family connections.
8. It is important to note that many children moving to kinship care have experienced the same trauma as children who enter other forms of public care. Having the right support at the right time is critical for them and their carers.
9. This report focuses on children who become subject to an SGO only and not other forms of kinship care however it is important to understand that children can be in very similar arrangements but what is different is the legal status of those arrangements, and thus the support they are entitled to.
10. Children subject to SGOs are overseen by a different regulatory framework than children subject to care orders, where the council retains parental responsibility, and thus provides carers through foster or residential care. Where the council has such responsibility there is a rigorous regulatory framework that requires the council to account for its services to children in care individually and collectively.
11. For children subject to SGOs the regulatory requirements are much less rigorous. They do not need to be monitored or reviewed as children in care are. SGOs are generally made for children and young people who do not need (or in some cases do not want) the same level of state intervention or supervision that accompany care orders for children who remain in the care of the council. The council has had to balance the need for maintaining data on these children with being proportionate as the children are not in care, the council does not have parental responsibility and is not required to monitor their welfare.

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<sup>2</sup> [https://www.nuffieldfjo.org.uk/wp-content/uploads/2021/05/Nuffield-FJO\\_Special-guardianship\\_international-kinship-care\\_final.pdf](https://www.nuffieldfjo.org.uk/wp-content/uploads/2021/05/Nuffield-FJO_Special-guardianship_international-kinship-care_final.pdf)

## **The council's Friends and Family Policy**

12. The council has a family and friends policy, which sets out how it promotes and supports the needs of children who are cared for in kinship care arrangements. The main principle this policy seeks to promote is that children should be enabled to live with their families unless it isn't consistent with their welfare. Those children who cannot live with their parents should, where appropriate, remain with members of their extended family or friends, as this will provide a better alternative and avoid them growing up within the public care system.
13. The council is required by the Children Act 1989, the Convention on the Rights of the Child, and research evidence on child welfare and the outcomes for children in public care, to promote stability and permanence for a child in their care arrangements. The objective of planning for permanence is therefore to ensure that children have a secure, stable and loving family to support them through childhood and beyond and to give them a sense of security.
14. For most children in care, stability and permanence is achieved through a successful return to their birth family, where it has been possible to address the reasons that led to the child entering care.
15. Where reunification with parents is not possible, possible, kinship care, also called family and friends care, will often provide an important alternative route to stability and permanence for the child, particularly where this can be supported by a: child arrangements order; special guardianship order; or through adoption.
16. The recent government response to the Independent Review of Children's Social Care is described as an implementation strategy is entitled Stable Homes, Built on Love<sup>3</sup>. Unlocking the potential of family networks is one of the six key pillars of the strategy. The government position is that more can be done to bring wider friends and family members into decision making for children earlier, to ensure more children have the opportunity to be cared for when necessary, within their existing networks. Its seeks to deliver a "Families First" approach to reshaping how services identify, understand and support family networks to be a part of all stages of a child's journey through the social care system.

## **How and why special guardianship orders are made**

17. An SGO is an order of the Family Court made at the conclusion of court proceedings in relation to a child's welfare. Usually a child will have entered the care of the council and court proceedings commenced when there have been concerns for the welfare of the child in the care of their parents.

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<sup>3</sup> <https://www.gov.uk/government/consultations/childrens-social-care-stable-homes-built-on-love>

18. Wherever possible when the child is not able to return home to the care of their parents, and where there is a positive assessment, the council will support family members in applying for an SGO to secure permanence for the child outside of the public care system.
19. SGOs are also made when a child has been in long-term foster care and there is a need or desire for greater stability and permanence and less oversight by the council.
20. There are two other circumstances where the council supports children in special guardianship arrangements. These are children who were made subject to an SGO as a result of private law proceedings and children who were made subject to an SGO public law proceedings by another local authority but who reside or move into Southwark.
21. The Children Act 1989 Special Guardianship Regulations 2005 states the individuals who are entitled to make an application for special guardianship as being:
  - i. any guardian of the child
  - ii. anyone named in a child arrangements order as a person with whom the child is to live
  - iii. a relative or local authority foster carer with whom the child has lived with for one year prior to the application and
  - iv. anyone who has obtained leave of the family court to make the application.
22. The family court is also able to make a SGO of its own accord, even if no application has been made.

## **KEY ISSUES FOR CONSIDERATION**

### **How are special guardianship services delivered by the council**

23. A special guardianship and connected persons team (SG and CP Team) is based in the council's fostering service. The focus of this team is assessing and supporting special guardians, and providing ongoing support to them and the child or young person. This can include advice, information, financial support, and therapeutic services. The team also assess and supports other forms of kinship carers.
24. Currently the SG and CP team has one and a half full time equivalent team managers, two senior social workers and five and a half full time equivalent social workers. The whole team is responsible for the assessment and support of special guardians. Some team members focus more on support for special guardians after the SGO has been made.
25. After being granted an SGO special guardians are allocated to the team on a general basis and do not have a specific named workers. Should a special guardian require advice and/or support, the duty social worker will be allocated the task to support the special guardian and their family.
26. There is also a family support worker (FSW) from the fostering service who sometimes provides family support for the special guardians when needed. Support is also provided for some contact with parents through the council's contact and support service.
27. The SG and CP Team has access to clinical practitioner from the council's clinical service, who is an experienced systemic family therapist and social worker who: supports systemically informed reflective practice discussions in group supervision; individual consultations to social workers to help explore and work through practice dilemmas; supports carers to access appropriate evidence based mental health support, initially through supporting access to NHS services, but also with some capacity to provide direct mental health interventions.
28. Children in care in Southwark have access to the Specialist CAMHS Service Carelink but this is not available to children subject to an SGO many of whom have experienced the same trauma.

### How many children become subject to an SGO each year?

29. Table 1: the number of children made subject to SGO in court proceedings.

2019-2020	2020-2021	2021-2022	2022-23
23	17	18	9

30. The SG and CP team receive over one hundred referrals annually (for kinship fostering and SGO applications). Many assessments end where carers withdraw during the process or the child returns home to their parents care. For example during 2021/2022 the SG & CP team completed a total of 41 assessments with 18 SGOs granted in court proceedings. This represented the outcome in 17% of court cases concluding. This was the third highest outcome with 24% becoming subject to care orders and remaining in care, and 22% becoming subject to a supervision orders and returning to the care of one of their parents

31. Table 2. the number of kinship foster carers recommended for approval by the fostering panel

2019-2020	2020-2021	2021-2022	2022/23
12	21	16	16

32. Of the 18 SGOs granted during 2021/2022, 6 were in court proceedings where the carers were recommended for approval at fostering panel before the SGO was granted. 16 connected carers were approved at fostering panel, out of which 6 were later granted SGOs.

### How many children are subject to SGOs and supported by the council

33. It is difficult to be exact about the number of children subject to special guardianship orders and provided with services by the council. This is because the majority of children receive support in ways that don't require the services of an allocated worker, and thus don't lend themselves to be easily measured. For example accessing help about specific matters (eg. education) or only at times when needed (e.g. contact with parents) or only receiving financial support. As noted in paragraph 11 above, there are no legal requirements to monitor children subject to SGOs.

34. As well as those children who become subject to special guardianship orders as a result of family court proceedings, there are two very much smaller groups of children subject to SGOs who are supported by the council.

35. Firstly, children who were made subject to SGOs as a result of private law court proceedings. These children do not generally receive financial support from the council as there is no requirement to provide this but they do have a support plan that should be regularly reviewed.

36. Secondly, children subject who were made subject to SGOs following care proceedings initiated by another council but have become resident in the borough. These families may receive financial support from the originating council and after two years the Southwark Council will take over responsibility for any assessment for additional support needed, but not ongoing financial support.
37. The children's data team has been working with the SG and CP team to develop better ways to ensure that all special guardians are recorded on the children's electronic recording system (Mosaic). The benefits of this has yet to be fully realised thus the best guide to data about children subject to special guardianship arrangements is to consider those where the council provides financial support.
38. Table 3. the number of children receiving financial support under an SGO on the snapshot date of 31 March over 5 years

2019	2020	2021	2022	2023
254	267	271	285	299

39. As of 31 March 2023, the council are financially supporting 299 children who were made subject to SGOs. These children reside with 236 carers. Special guardianship as a form of legal order came into existence in 2002 and since then the number of special guardians supported by the council has increased annually.
40. Financial support can extend beyond 18 years of age for young people if they remain in full time education.

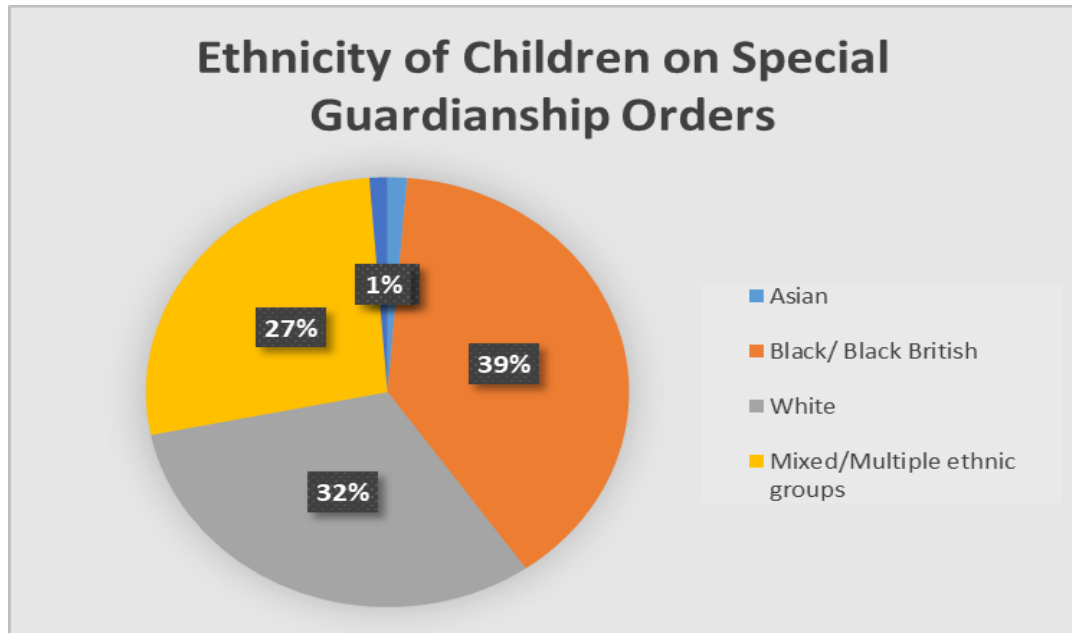
### Age and gender

41. Table 4 shows the distribution of age and gender for all children and young people subject to SGOs (or formerly so) where the council are paying an allowance.

Age band	Female	Male
0-4	13	14
5-10	47	36
11-15	50	61
16-17	25	25
18+	14	14
<b>Total</b>	<b>149</b>	<b>150</b>

## Ethnicity

42. Figure 1 below shows a breakdown by ethnicity of children and young people subject to SGOs (or formerly so) where the council are paying an allowance as at March 2023.



## Further support for special guardians

43. Special guardians are also supported through support provided by the charity Kinship<sup>4</sup>. The council has funded a kinship connected service provided by Kinship. This was for up to 40 referrals in 2021/22 to both one to one support and group work support post order. This includes a project worker for three days per week to support more complex family situations. The nature of this support aims to encompass development of bespoke support plans responsive to needs, enhancing community support awareness, increasing self- efficacy, access to an advice service which provides advice around benefits and available grant programmes and access to a kinship carer peer to peer support network. Total number of carers in 2021/22 referred to Kinship was 35.
44. The SG and CP team recently conducted a survey of the carers who have accessed the kinship connected service to understand the impact the provision is having. There were eight response that provided helpful information on areas carers appear to still find challenging and where the post Order support work can improve shown in Figure 2 below.

<sup>4</sup> [Homepage - Kinship - The kinship care charity](#)



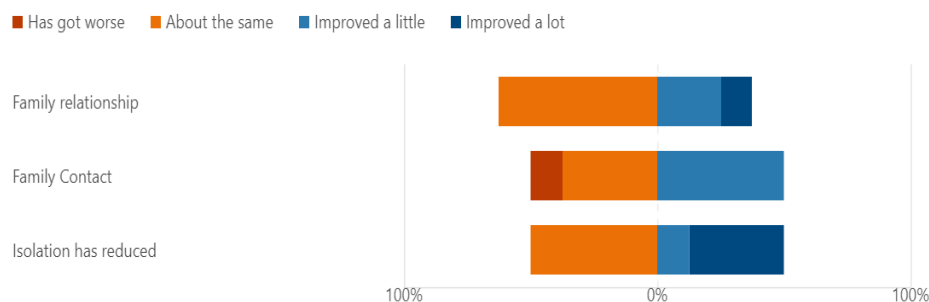


Figure 2 – areas of support for SG carers receiving services through Kinship Connected

45. The adoption support fund (ASF) provides funds to local authorities and regional adoption agencies (RAAs) to pay for essential therapeutic services for eligible adoptive and special guardianship order (SGO) families.
46. The ASF is available for children and young people up to and including the age of 21, or 25 with an education, health and care plan, who meet a range of criteria, the eligibility criteria for children subject to an SGO are that they:
  - were in care immediately before an SGO was made
  - were previously in care but where the adoption, special guardianship, residency or CAO placement has broken down, irrespective of any reconciliation plans.
47. In 2021/22 the council made five applications to the ASF to support children in special guardianship arrangements and secured funding for their therapy totaling £11,617.50.

## Complaints

48. There was one complaint received by the council in 2021/22 which was from a special guardian. The learning from this was that staff must ensure correspondence is replied in a timely manner, so that when families request clarifications, this information is provided as soon as possible.
49. There were two complaints received by the council on 2022/23 in relation to special guardianship. The learning was different in each matter. The need for clarity about the timing of support and help, and need to monitor progress of ASF applications was one area of learning. The other related to the timely acquisition of key documents for children when they enter care and need to transfer such as well as savings to special guardians. There is also a need to set up timely payment systems for when special guardianship care arrangements are commenced.

## Finance

50. Special guardians, if assessed as eligible, receive a weekly means tested allowance at a rate that is equivalent to the rate set by the government to look after the children in the foster care. This is called the National Minimum Allowance (NMA)<sup>5</sup> and it rises annually with inflation.
51. There are five government payment bands for the NMA and the rates in Table 1 below are the rates up until April 2023.

Age Band	Government Rate (for London)
0-2	152
3-4	162
5-10	181
11-15	219
16+	239

Table 1 – SGO allowance rates/ NMA

52. The council does not apply the 0-2 age band and uses the 3-4 age band for all children aged 0-4 subject to SGOs.
53. The total expenditure of financial support to children, young people and young adults in 2021/22 was £2,649,720.62. This consisted of £2,503,573.54 for regular support payments, incidental payments (such as for contact) and settling in grants and £146,147.08 post 18 payments to young adults who remained in full time education.
54. In addition to the SG and CP team there is a finance officer who conducts the annual means tested financial reviews of all special guardians receiving an allowance from the council to ensure they are receiving the correct level of financial support.

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<sup>5</sup> <https://www.gov.uk/support-for-foster-parents/help-with-the-cost-of-fostering>

## Developmental work planned for 2023/24

55. In the next 12 months we aim to continue to develop high quality support for kinship carers and special guardians to achieve this we will:
- i. Continue to develop special guardianship and connected persons team in their remit of assessing and supporting special guardians as well as friends and family carers
  - ii. Ensure there are a robust quality assurance mechanism in place for all special guardian and kinship fostering assessments
  - iii. Ensure robust tracking of timescales for all financial and support plan reviews
  - iv. Launch a peer support group for special guardians
  - v. Seek to capture the children's views at special guardian support plan reviews
  - vi. Organise events for children subject to SGOs
  - vii. Develop training for kinship carers both in readiness for potential orders being made and post order to continue support and development of carers
  - viii. Complete work with the children's data team for a child's journey through kinship care to be within a workflow on the children's electronic recording system (Mosaic) from the initial stage right through to post order support plan and financial review.
  - ix. Complete work with the children's data team so all special guardians are allocated to a "virtual worker" to enable accurate data and reviewed support for all carers
  - x. Increase the possibility for some foster carers to be supported as special guardians
  - xi. Establish an in-house special guardian support group in addition to the kinship provision. This would be a communal space where carers can benefit from peer support and accessing case support from a clinical practitioner and a social worker, based on principles from the secure base<sup>6</sup> and empathic behaviour management. The intention is to pilot this over the next year.

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<sup>6</sup> <https://www.uea.ac.uk/groups-and-centres/centre-for-research-on-children-and-families/secure-base-model>

## **Policy framework implications**

56. There are no proposals in this report that seek to conflict with existing policy published around special guardianship or family and friends care. All work outlined within this report is currently being carried out within the frameworks of the above policies and no changes to those policies are being sought.

## **Community, equalities (including socio-economic) and health impacts**

### **Community impact statement**

57. This report provides information for the corporate parenting committee that highlights how the delivery of services underpinned by current policies and planned developments will have a positive impact on the socio-economic and health impacts of the children and families we work with and build a more cohesion of the special guardianship community.

### **Equalities (including socio-economic) impact statement**

58. The council is committed to providing fair and just services, addressing inequality. The provision of services to children subject to special guardianship orders is an important way the council and its partners demonstrates their commitment these principles.

### **Health impact statement**

59. There are no specific identified health impacts resulting from any of the proposals or recommendations, so a health impact statement is not necessary for this report.

### **Climate change implications**

60. There are no specific identified climate change impacts resulting from any of the proposals or recommendations, so a climate impact statement is not necessary for this report.

### **Resource implications**

61. There are no specific resource implications over and above the council's existing commitments resulting from any of the proposals or recommendations in this report.

### **Legal implications**

62. There are no specific legal implications over and above the council's existing statutory duties, from any of the proposals or recommendations in this report.

## **Financial implications**

63. There are no specific financial resource implications over and above the council's existing commitments resulting from any of the proposals or recommendations in this report.

## **Consultation**

64. No direct consultation has taken place related to the content of this report.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Assistant Chief Officer – Governance and Assurance**

65. No comments required as no decision to be made.

### **Strategic Director of Finance**

66. No comments required as no significant financial implications or decisions

### **Other officers**

67. There were none.

## **REASONS FOR URGENCY**

68. The reason for urgency is that this report has been planned for corporate parenting committee on 19 April and has been requested some time ago. There is no further committee in this municipal year and the corporate parenting committee may be differently comprised when it next meets in July 2023. Officers responsible for the service may not be able to attend in July and had planned to attend on 19 April and it is felt on balance that this urgent request for circulation should be supported to allow the committee to consider all matters in relation to special guardianship.

## **REASONS FOR LATENESS**

69. This report was completed late for submission for approval and circulation. The delay related to verification of figures relating to the year 2022/23 which has only just completed and officer absence over the Easter holidays.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Definition of kinship care	Children and Families Directorate Children and Adult Services 160 Tooley Street, London, SE1 2QH	Khalil Campbell 020 7525 0547
<b>Link:</b> <a href="https://kinship.org.uk/for-kinship-carers/what-is-kinship-care/">https://kinship.org.uk/for-kinship-carers/what-is-kinship-care/</a>		
Special guardianship: international research on kinship care	Children and Families Directorate Children and Adult Services 160 Tooley Street, London, SE1 2QH	Khalil Campbell 020 7525 0547
<b>Link:</b> <a href="https://www.nuffieldfjo.org.uk/wp-content/uploads/2021/05/Nuffield-FJO_Special-guardianship_international-kinship-care_final.pdf">https://www.nuffieldfjo.org.uk/wp-content/uploads/2021/05/Nuffield-FJO_Special-guardianship_international-kinship-care_final.pdf</a>		
Secure Base Model UEA	Children and Families Directorate Children and Adult Services 160 Tooley Street, London, SE1 2QH	Khalil Campbell 020 7525 0547
<b>Link:</b> <a href="https://www.uea.ac.uk/groups-and-centres/centre-for-research-on-children-and-families/secure-base-model">https://www.uea.ac.uk/groups-and-centres/centre-for-research-on-children-and-families/secure-base-model</a>		
The National Minimum Fostering Rate	Children and Families Directorate Children and Adult Services 160 Tooley Street, London, SE1 2QH	Khalil Campbell 020 7525 0547
<b>Link:</b> <a href="https://www.gov.uk/support-for-foster-parents/help-with-the-cost-of-fostering">https://www.gov.uk/support-for-foster-parents/help-with-the-cost-of-fostering</a>		
The Independent review of children's social care Final Report	Children and Families Directorate Children and Adult Services 160 Tooley Street, London, SE1 2QH	Khalil Campbell 020 7525 0547

<b>Link:</b> <sup>11</sup> <a href="https://www.childrensocialcare.independent-review.uk">The-independent-review-of-childrens-social-care-Final-report.pdf (childrensocialcare.independent-review.uk)</a>		
Children's Social Care Stable homes consultation February 2023	Children and Families Directorate Children and Adult Services 160 Tooley Street, London, SE1 2QH	Khalil Campbell 020 7525 0547
<b>Link:</b> <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1133537/Children_s_social_care_stable_homes_consultation_February_2023.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1133537/Children_s_social_care_stable_homes_consultation_February_2023.pdf</a>		
Southwark Council's Constitution dated 31 March 2023 – PART 4 – Access to Information Procedure Rules	Children and Families Directorate Children and Adult Services 160 Tooley Street, London, SE1 2QH	Khalil Campbell 020 75250547
<b>Link:</b> <a href="https://moderngov.southwark.gov.uk/documents/g7700/Public%20reports%20ack%20Friday%2031-Mar-2023%20Constitution.pdf?T=10&amp;Info=1">https://moderngov.southwark.gov.uk/documents/g7700/Public%20reports%20ack%20Friday%2031-Mar-2023%20Constitution.pdf?T=10&amp;Info=1</a>		
Equalities Act 2010	Children and Families Directorate Children and Adult Services 160 Tooley Street, London, SE1 2QH	Khalil Campbell 02075250547
<b>Link:</b> <a href="https://www.legislation.gov.uk/ukpga/2010/15/contents">https://www.legislation.gov.uk/ukpga/2010/15/contents</a>		
Public Sector Equality Duty	Children and Families Directorate Children and Adult Services 160 Tooley Street, London, SE1 2QH	Khalil Campbell 02075250547
<b>Link:</b> <a href="https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty">https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty</a>		

## APPENDICES

No.	Title
None	

## AUDIT TRAIL

<b>Lead Officer</b>	David Quirke-Thornton, Strategic Director of Children and Adult Services	
<b>Report Author</b>	Khalil Campbell, Fostering Service Manager	
<b>Version</b>	Final	
<b>Dated</b>	13 April 2023	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Assistant Chief Executive – Governance and Assurance	No	No
Strategic Director of Finance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		13 April 2023