

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

22 JUNE 2021

REPORT OF THE CORPORATE DIRECTOR SOCIAL SERVICES AND WELLBEING

SPECIAL GUARDIANSHIP ORDER FINANCIAL POLICY

1. Purpose of report

1.1 The purpose of this report is to:-

- Provide Cabinet with details of the proposed Special Guardianship Order (SGO) Financial Policy (which will support the updated Special Guardianship Order Policy).
- Request Cabinet approval of the policy and delegate authority to the Head of Children's Services to implement the new policy.

2. Connection to corporate well-being objectives / other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-

1. **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
2. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

3.1 Whilst developing the Placement Commissioning Strategy for Bridgend Children's Social Care one of the key themes that was identified was that there were low numbers of children achieving permanence through the granting of a Special Guardianship Order, leading to children spending a longer period of time within the Care system. During 2014, 21 children ceased to be looked after, as an SGO was made by the Court. Since this time the numbers of children where an SGO has been made has declined with just 6 SGOs being made in 2017/18, 4 in 2018/19 and 8 in

2019/20. In 2020/21 a further 10 children ceased to be looked after as an SGO was granted and, whilst it is positive that the number has increased, it seems disproportionately low when you consider that there are 95 children who are living with Connected Persons Foster Carers.

- 3.2 There are a number reasons why some children are unable to live with their birth parent(s) and at these times, arrangements need to be made for children to be cared for by others. Some children may live with other members of their family, with foster parents, adoptive parents or in care homes. It is a priority for children to be given a permanent home when it is not safe for them to return to their parent's care. A Special Guardianship Order (SGO) is a Court Order which appoints a specific person(s) to become a child's Guardian until they reach 18. An SGO offers greater security than long-term fostering but does not entail the absolute legal severance from the birth family that stems from an adoption order. It is therefore a good and stable outcome for an increasing number of children and young people.
- 3.3 Reducing Children Looked After (CLA) numbers in a safe and appropriate manner is a national priority for Welsh Government, which has had a significant focus recently. Safely reducing CLA numbers is also a key corporate priority for BCBC, as, when safe, this enables positive outcomes for children and young people. The best outcome for children and young people is to live in a permanent home, where possible within their own birth family, or where this is not possible, in a permanent family home.
- 3.4 SGOs were introduced by the Adoption and Children Act 2002. The Special Guardianship (Wales) Regulations 2005, were subsequently introduced and amended by The Special Guardianship (Wales) (Amendment) Regulations 2018 and Special Guardianship Code of Practice on the exercise of social services functions in relation to Special Guardianship orders 2018.
- 3.5 Bridgend County Borough Council have in place a Special Guardianship Policy (**Appendix 1**), which sets out eligibility to become a Special Guardian, the application process and the Local Authority's responsibilities in terms of reporting to the Court, Support available to Special Guardians etc. This Policy was reviewed and updated in November 2020 in line with the the "Guide for The Offer of Special Guardianship Support in Wales 2020 (AFA)" which drew together all relevant statutory guidance.
- 3.6 This review identified that greater clarification was required in relation to the Financial Support that is available to Special Guardians and, in order to do this, a stand alone "Special Guardianship Orders Financial Policy" (**Appendix 2**) was required. The aim of this policy is to reduce the potential delay in achieving permanence for children and young people, when Prospective Guardians are uncertain of the Financial Support that is available to them.

4. **Current situation/proposal**

- 4.1 In November 2020 The Special Guardianship Order Financial Policy was drafted, which would sit alongside the updated Special Guardianship Order Policy for the reasons outlined above.
- 4.2 A public consultation on the Special Guardianship Order Financial Policy was undertaken over a twelve-week period from 15 February to 9 May 2021 and the full Consultation Report is available (**Appendix 3**). In total there were 32 questions that required a reply from respondents who could choose to answer all or some of the questions and who were offered the option of anonymity. The council's standard set of equalities monitoring questions were also included with the survey in line with recommended good practice for all public-facing surveys carried out by the council. The consultation received a total of two interactions from survey completions.
- 4.3 The Special Guardianship Orders Financial Policy Consultation was posted bilingually to the council's corporate Facebook and Twitter channels throughout the consultation period to raise awareness of the consultation and to encourage citizens to share their views on the proposals.
- 4.4 The Headline figures highlighted within the Consultation report are:
- 50% of respondents stated that the policy makes it clear what financial support is available and 50% of respondents stated it did not.
 - 50% of respondents stated that the policy clearly outlines the financial assessment process and 50% of respondents stated it did not.
 - 100% of respondents stated that the policy clearly outlines how the means test is applied.
 - 50% of respondents stated that the policy clearly outlines how supplementary allowances could be granted for a child previously fostered by the applicant and 50% of respondents stated it did not.
 - 50% of respondents stated that the policy clearly outlines when supplementary payments may be paid in exceptional circumstances and 50% of respondents stated it did not.
 - 50% of respondents stated that the policy clearly outlines what responsibilities Special Guardians have with regard to informing the Permanence Team of any changes and 50% of respondents stated it did not.
 - 50% of respondents stated that the policy clearly outlines the review process for financial assessments and 50% of respondents stated it did not.
 - 50% of respondents stated that the Special Guardianship Orders Financial Policy is accessible i.e. written in plain language that is clear and easy to understand and 50% of respondents stated it did not.
 - 50% of respondents stated that something is missing from the Special Guardianship Orders Financial Policy that they would like to see included and 50% of respondents stated it did not.

4.5 A detailed analysis of the individual responses is available within the consultation report at section 7.2 onwards. In considering the responses it is worth again reflecting that there were only two respondents. The negative responses received are focussed on an individual's previous poor experiences and lack of clarification regarding any entitlement to financial support. This supports the view that a detailed stand alone policy of this nature is required, to ensure that prospective Special Guardians have a clear understanding of the support that is available to them, in order to look after a child who is in their care.

5. Effect upon policy framework and procedure rules

5.1 The Special Guardianship Order Financial Policy is a new policy that seeks to clarify the financial aspects of the support that is available and as such does not have an impact on the current policy framework and operating procedure.

6. Equality Act 2010 implications

6.1 An Equality Impact Screening exercise was undertaken in relation to this Policy, which identified that in respect of the protected characteristics there was no negative impact as all potential Special Guardians are entitled to a Financial Assessment and support where this is required.

6.2 The Screening also gave consideration to any potential socio-economic disadvantage as resulting from this Policy, but again identified that there was no negative impact as Special Guardians provide children and young people in their care a secure safe living environment that provides them with the support they require to achieve better outcomes and higher social and educational achievement which could improve any impact of socio-economic disadvantage.

6.3 Given the outcome of the screening exercise there is no requirement for a full Equality Impact Assessment to be undertaken.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The Well-being of Future Generations (Wales) Act 2015 provides the basis for driving a different kind of public service in Wales, with five ways of working to guide how the Authority should work to deliver wellbeing outcomes for people. The following is a summary to show how the five ways of working to achieve the well-being goals have been considered in this report:

- **Long Term** – A Special Guardianship Order (SGO) is a Court Order which appoints a specific person(s) to become a child's Guardian until they reach 18. An SGO offers greater security and permanence for a child/young person than long-term fostering and supports both Welsh Government and Bridgend County Borough Council's priority to reduce the number of children who are looked after. Alongside the update to the Special Guardianship Order Policy,

the SGO Financial Policy will provide greater clarification to prospective Special Guardians as to the support that is available to them in order to meet the needs of a child for whom they are caring.

- **Prevention** – Achieving Permanence for children and young people through the making of a Special Guardianship Order not only provides greater security and permanence for a child/young person, but prevents the need for them to become “Looked After”. Barriers to achieving this include a lack of understanding regarding the support that is available to Special Guardians, a belief that the Local Authority only provides on-going support to (Connected Persons) Foster Carers and that prospective Special Guardians would be financially advantaged if they were approved as a Foster Carer for a child/young person. This can be further complicated by a lack of clarity for Social Workers, Children’s Guardians and the Courts in relation to the support provided by Bridgend County Borough Council to prospective Special Guardians. In implementing the SGO Financial Policy (alongside the updated SGO Policy) it is anticipated that there will be opportunity to prevent the need for children/young people to remain within the care system for an extended period.
- **Integration** – A key component of the support that is available to Special Guardians is any financial allowance that they receive. The SGO Financial Policy details how the permanence team work alongside corporate finance colleagues and prospective Special Guardians to ensure all information required is available to facilitate an accurate assessment as to whether an SGO allowance is payable.
- **Collaboration** – Members of the Permanence Team attend the AFA (Cymru) National interest group in relation to Connected Person Foster Carers and Special Guardians. This Group provides team members with an opportunity to learn about and share practice developments and best practice with colleagues across Wales.
- **Involvement** – A 12 week public consultation has been undertaken in relation to the proposed SGO Financial Policy.

8. Financial implications

- 8.1 It is envisaged that by providing greater clarity in respect of the financial support available to prospective Special Guardians there is likely to be an increase in the overall number of Special Guardianship Allowances being paid by the Local Authority. However, any increase in SGO Allowances will be offset in part by a reduction in the Allowances being paid to Connected Persons Foster Carers.
- 8.2 SGO Allowances are means tested and reviewed on an annual basis. The amount that a Special Guardian receives from the Local Authority will take into consideration

any Child Benefit and Child Tax Credits that a Special Guardian is able to claim. The amount payable by the Local Authority would be lower than payment of the Fostering Allowance.

- 8.3 In addition to any direct savings made as set out above, there is also an indirect saving made in relation to Social Work and Independent Reviewing Officer time (as well as partner agency time) as there would be no requirement for Statutory Visits or Looked After Children Reviews to be undertaken.

9. Recommendation

- 9.1 Cabinet is requested to approve the Special Guardianship Order Financial Policy and to delegate authority to the Head of Children's Services to implement the new policy.

Claire Marchant
Corporate Director – Social Services and Wellbeing
July 2021

Contact Officer: Laura Kinsey
Head of Children's Social Care
Telephone: (01656) 642314
E-mail: laura.kinsey@bridgend.gov.uk
Postal Address Bridgend County Borough Council, Civic Offices, Bridgend,
CF31 4WR

Background documents

- Equality Impact Screening Document