Special Guardianship Financial Support

Children's Services

Policy

west sussex county council

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1. Purpose of the scheme

The scheme is designed to enable West Sussex County Council (the Council) to pay financial support to the carers of children who are the subject of special guardianship orders made under section 14 of the Children Act 1989 as a contribution towards the cost of the accommodation and maintenance of a child who is the subject of the order, or to meet special needs or exceptional requirements. This policy sets out the criteria for eligibility and the circumstances which may justify financial support. Such support may be in addition to other services which may be made available.

2. Eligibility for financial support

2.1 Financial support may be paid to an individual caring for a child who is the subject of a special guardianship order to them. The payment of financial support is at the discretion of the Council and is subject to assessment of need. It is not intended to remove responsibility from the birth parents to make adequate financial provision for the care and upbringing of their children. State benefits and tax credits are available to special guardians in the same way as they are for any parent. Any financial support paid by the Council is not designed to replace benefits and tax credits and any such payments will be taken into account in consideration of financial support payments.

2.2 The payment of financial support is governed by the Special Guardianship Regulations 2005, The Council shall normally make payments only:

i) to enable a child who is being looked after by the Council to be securely placed so as to enable the child to leave the care of the Council and where financial support is necessary to achieve this; or

ii) when the payment of financial support is necessary to avoid the need for a child to become looked after by the Council; or

iii) following an assessment by the Council for support services under section 14 of the Children Act 1989. In such a case the assessment will identify whether there is a necessity for financial support to ensure the child may or may continue to be cared for by the Special Guardian OR to meet unusual and continuing expenses due to the child's illness, disability, emotional or behavioural difficulties or the consequences of past harm.

2.3 **Exceptional payments**

In exceptional circumstances (as defined in 2.2 (iii) above) the responsible manager will consider applications for financial assistance for one off or special expenditure for equipment, furniture, transport, clothing or other items deemed necessary when it is in the best interests of the child by reference to the child's special needs or circumstances related to the child's health, disability, any history of significant harm or behavioural difficulties. Applications will be made by a social worker following an assessment of the child's circumstances.

2.4 Consideration may also be given for financial support to meet some or all of the legal costs of an application for a special guardianship order, a private law order for a child who is the subject of special guardianship or an order to secure financial support for the benefit of the child. Such payment may be considered only when such an application is deemed necessary to secure the best placement for the child; likely to succeed; where legal representation is deemed necessary and where the funding is not otherwise available.

2.5 Where, through private arrangements, whether through legal proceedings or otherwise, a family make arrangements for a child to be cared for under special guardianship the Council will consider such financial support as may be required under its obligation to children in need in its area (Children Act s.17) and will only consider financial support under this policy where the criteria of 2.2 above are also met.

3. Conditions of the payment of financial support

3.1 In determining the amount of any financial support to be paid, or the duration and frequency of any payments the Council will assess the financial circumstances of the special guardian. The financial assessment process and criteria applied are determined by the financial regulations of the Council.

3.2 Financial support may not be paid to meet any needs when any state benefit or allowance is available to the carer in respect of the child in order to meet such needs.

3.3 Any periodic payments will be net of Child Benefit and Child Tax Credit.

3.4 Under the provisions of a special guardianship order the birth parent(s) retain parental responsibility for the child and therefore, continue to have an obligation to financially support the child. It may be a requirement of the Council that the payment of a special guardianship order financial support be conditional on the carer making an application to the Child Support Agency or to the court for financial assistance towards the cost of caring for the child. Any financial support paid will be calculated taking

into account any payment ordered or arranged following such an application.

4. Level of financial support

4.1 If financial support is paid in the form of a periodic payment (or allowance) it will be paid according to the schedule of rates agreed by the Council and amended according to annual review. The current level of financial support is attached to this document in Appendix 1.

4.2 The payment will be dependent upon the age of the child and the financial circumstances of the carers and child. Carers in receipt of periodic payments may receive only a proportion of the financial support payable if their financial circumstances are assessed as being such that they do not qualify for the full rate indicated in the schedule.

4.3 The financial support payable by the Council may not include any element of remuneration for the care of the child by the special guardian unless:

a) the special guardian is or has been a local authority foster parent in respect of the child and

b) an element of remuneration was included in the payments made by the Council to that person in relation to fostering the child.

4.4 The element of remuneration ceases to be payable after a two year period from making the order unless the Council consider its continuation to be necessary having regard to the exceptional needs of the child or any other exceptional circumstances.

5. Duration and review of payments

5.1 Special guardianship orders expire at the child's eighteenth birthday. The local authority may provide financial support subject to conditions relating to the timescale within which and the purposes for which any payment of financial support is needed. Payments may be one-off or periodic. If periodic the Council will set the period over which payments will be made. A payment beyond that date requires the express agreement of the Council. Such agreement may be sought by application to the responsible manager at least three months prior to the expiry of that period or the child's eighteenth birthday. Payments would normally only be made when the child is to continue in full time education and where the eligibility criteria apply. Payments would be the subject of review to determine the family's financial circumstances and the child's ability to obtain financial support through employment, state benefits or educational maintenance payments.

5.2 Financial support will be discontinued if the child/young person:

i. ceases to have a home with the special guardian (this does not apply to temporary periods of absence, e.g. in-patient hospital treatment); or

ii. ceases full-time education and commences employment or qualifies for a placement on a Government training scheme; or

iii. qualifies for Income Support or Job Seekers' allowance in his/her own right; or

iv. reaches the age of 18 years, unless (as outlined in 5.1 above) he/she remains in full-time education, in which case the Council will consider providing financial support until he/she reaches 21 years (or some earlier date) if he/she has no other means of financial support available.

5.3 The financial support may be terminated or suspended if the financial circumstances of the special guardian or the child change. The Council will review the payment of financial support annually, or at such shorter intervals as the Council shall in any case determine. The special guardian will be required to supply details and evidence of their income and outgoings, to allow an assessment to be made, before each review, and the Council shall be entitled to suspend or withdraw payments if adequate information is not provided. An assessment will remain current until the outcome of the review. If it appears to the Council at any review that any of the circumstances set out in paragraph 5.1 and 5.2 are likely to arise within the period before the next annual review, a review will be arranged at an earlier date to take account of this.

5.4 If any financial support has been withdrawn or reduced because the special guardian's income has risen above the level at which they would qualify for an financial support, it shall be open to the special guardian to make an application to the Council, at any time before one of the circumstances set out in paragraph 5.1 and 5.2 has occurred, with proper evidence, for the financial support to be reinstated on the grounds that their income has fallen to a level where they once again qualify.

5.5 The above provisions shall be defined in the agreement between the special guardian and the Council.

6. Frequency of payment

6.1 Special guardianship financial support, when paid in the form of ongoing periodic payments will be paid through the direct payment into a nominated bank account (BACs). Other arrangements may be made only in exceptional circumstances

7. Consultation with and notification to special guardians

7.1 The Council shall ensure that special guardians are consulted in advance about the arrangements to pay financial support to them, including the amount and the terms and conditions on which the financial support will be paid. The Council shall ensure that all terms and conditions are set out in writing in the form of an agreement and the special guardians' agreement secured by being invited to sign a copy of the agreement.

7.2 The terms and conditions for the payment of a financial support shall include the following:

i) the amount and frequency of payment of financial support;

ii) the method of payment;

iii) the date of the first payment;

iv) the expected duration of the financial support;

v) the requirements for the review of the financial support;

vi) the frequency of such reviews and how they shall be conducted;

vii) the review criteria, and any other items as shall be determined in the particular circumstances; and

viii) the Council's and special guardian's respective commitments and responsibilities under the scheme as set out in the letter of agreement.

7.3 The Council shall continue to pay the financial support on the terms agreed, even if the special guardian moves to another area within the United Kingdom, provided that the child continues to have his/her home with them. Special guardians must, therefore, inform the Director of Adults' and Children's Services immediately of any change of address.

7.4 The special guardians shall notify the Director of Adults' and Children's Services immediately of any change of circumstances which might, in the context of the original agreement, result in the financial support being increased, reduced or stopped. Any failure to do so may result in the Council seeking reimbursement of sums paid to the special guardian.

Appendix 1

Financial Services
Children and Young People's Services

Special Guardianship Allowances
Effective from 01/04/2011

Age of child	Weekly Rates
0-4	£153.37
5-10	£182.42
11-15	£208.11
16-18	£235.27

Child Benefit Rates Effective 12/04/2010

	Weekly Rate
Eldest/Only Child	£20.30
Other Children	£13.40