



Special Guardianship



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Every child needs a safe, secure home with people they can love and trust. Special guardianship is one way of providing this when children can't live with their birth families and adoption isn't suitable.

What is special guardianship?

Special guardianship is a court order that gives a child permanent legal security in a family without giving them a new identity. Under a special guardianship order, links between the child and their birth family are maintained. However, special guardians have overriding parental responsibility to make day-to-day decisions concerning the welfare of the child or children.

If a child is 'looked after' the Special Guardianship Order will replace the Care Order and the Council will no longer have parental responsibility for the child.

Who can be a special guardian?

- Special guardians must be 18 years old or older
- Special guardians can be a family member or friend, or other person with whom the child has lived for three of the last five years
- A local authority foster carer who has looked after the child continuously for the last year can apply to be a special guardian
- Anyone who already has a residence order for the child
- Anyone who is already a testamentary guardian for the child
- Special guardians do not need to be married
- Birth parents cannot become special guardians
- A local authority cannot apply for special guardianship.

Parental responsibility

Special guardians have all the responsibility for the day-to-day decisions relating to the care and upbringing of the child or young person. Special guardians should consult with birth parents about important decisions, such as which school a child attends.

There are some decisions special guardians can't make without parents' consent or permission from a court.

They are:

- Changing the child's surname
- Removing the child from the United Kingdom for more than three months
- Very serious decisions where the law says that the consent of **all** those with parental responsibility is required, such as circumcision.

How do I become a special guardian?

- 1** If the child is 'looked after' you need to give the local authority three months written notice.
- 2** A social worker will work with you to assess your suitability to be a special guardian.
- 3** You make an application to the court. If there are already legal proceedings about the child, the court may invite you to join in those proceedings.

4 The court asks the local authority to write a report about your suitability.

5 The court decides whether you can be a special guardian.

Legal costs

Most applications for special guardianship are straightforward. The Royal Borough will pay the court application fee for all special guardians. In some cases birth parents may not agree with the special guardianship order. If this happens you may need a solicitor to help you with your application. In contested cases the Council will meet your legal fees up to a maximum of £5,000.

Special guardianship support

We will meet with you at the beginning of the assessment to discuss your needs for special guardianship support. There will usually be a second meeting towards the end of the assessment to finalise the support plan before it is presented to the court.

Special guardians, birth parents and children are all entitled to an assessment for special guardianship support.

Financial support

No one should be disadvantaged through offering a 'looked after' child a permanent home. The Royal Borough of Kensington and Chelsea will ensure special guardians have enough money to provide for a child until they are 18. The allowances are generous and all special guardians will receive one unless the gross household income is more than £50,000. If the gross household income exceeds this amount they will not get a special guardianship allowance.

If you are already the child's foster carer you will get **the same** money as before you become a special guardian, without the child benefit component. We will also deduct money for child tax credit. This is because special guardians have parental responsibility and you will be able to apply directly to the Child Benefit Agency for child benefit and the Inland Revenue for child tax credit.

If you are not already the child's foster carer and there are concerns about the child's safety, you will usually get the same allowance as a foster carer, subject to agreement from the local authority.

Other practical support

You may need more space in your home to make room for an extra child or children. In exceptional circumstances the Council may be able to help you finance extensions to your home.

If you are special guardian to a child with special needs you may also need respite care. The social workers will discuss this with you before a special guardianship order is made so that a suitable assessment can take place.

Maintaining links with the child's birth family

Most children living with special guardians have some contact with their family members. In many cases special guardians already know the child's parents and are able to continue

the contact arrangements after a special guardianship order is made.

For some children, contact may have to be supervised to keep them safe and a special guardian may prefer the Royal Borough to arrange this. Some children may only experience indirect contact, for example, by letter or telephone call. Other children will benefit from several different types of contact with different family members.

Every child's needs for contact are unique to them and the social worker who is assessing your suitability to be a special guardian will discuss them with you. The Royal Borough of Kensington and Chelsea will support the appropriate arrangements for your child until he or she is 18. We will review the arrangements every three years to make sure they are still suitable.

Other support available

There are a number of other services available to help special guardians:

- **Support groups** and opportunities for discussion with other special guardians are provided by *After Adoption*, a voluntary adoption support agency working in partnership with Kensington and Chelsea
- **Mediation** can also be provided by *After Adoption* or by adoption support social workers in the Royal Borough's adoption and permanence team
- **Therapeutic services** for the child are provided by local health services and by arrangement with suitable local organisations
- **Counselling, advice and information** is provided by the adoption support social workers in the Council's permanence team and by *After Adoption*.

These services are provided or arranged by Kensington and Chelsea for three years after the special guardianship order is made. After this time special guardians and birth parents need to contact their own local authority for an assessment for these services.

A permanent home

A special guardianship order lasts until a child is 18. However, the intention behind a special guardianship order is to give a child a **permanent** home. If you are a special guardian we expect the young person to have their home with you until they are able to leave home safely. For example, young people going to university or college still need a secure base to return to during vacations.

Further information

For more information about special guardianship, please contact the Adoption Service on **020 7598 4684** (9am to 1pm only).