

Revised Special Guardianship Support Offer

Date: 13th March 2024

Report of: Director of Children and Families

Report to: Executive Board

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

Following the publication of the National Care Review and more recently The National Kinship Strategy in December 2023, there has been a significant change to the national direction of travel in relation to safeguarding children. There is a renewed emphasis on the need to move away from costly state intervention to a family help approach. This includes increased scrutiny from Ofsted on Kinship Services to ensure that they are meeting the specific needs of kinship families.

Work has been ongoing across West Yorkshire to review current regional policies for Special Guardianship arrangements, including financial support. This work has been led by One Adoption West Yorkshire. The purpose of the work was to encourage all Local Authorities within the region to provide a more consistent offer of support to Special Guardianship families with a view to encouraging Special Guardianship as a permanence option for children who cannot be cared for by their parents. In addition, there are specific Leeds only recommendations set out to enhance the local 'offer' and entitlement to post 18 financial supports for prospective special guardians where children have been previously Looked After by the Local Authority.

In summary, the estimated savings, per annum, from the proposed offer would be:

£1,248 per child per annum on child benefit deductions for the first child. £827 per annum for each subsequent child placed.

£5,450 per child per annum on staffing costs. This is on the basis that there would no longer be a statutory requirement for an allocated social worker or kinship social worker.

There is an additional saving on the basis that there would no longer be a statutory requirement for an Independent Reviewing Officer and Fostering Reviewing Officer. This saving is less easily quantifiable due to caseloads. However, does need to be considered within the context of additional savings related to staff time and mileage claims associated with the travel to and from statutory reviews, meetings, and visits.

£1,280 per annum for the eldest child and £827 per annum for subsequent children based on child related benefit deductions from the weekly allowance for Special Guardianship arrangements which is not deductible from children looked after.

Recommendations

- a) That Executive Board approves the recommendations set out in this report, the first of which are aligned with the recommended regional approach in relation to SGO support:
- Where children have been Looked After immediately prior to the SGO being made, carers will receive non means tested financial support (minus child related benefits) until the child is aged 18 years of age.
 - Where children have not been Looked After immediately prior to the SGO being made, carers will receive means tested financial support.
 - Where children have not been Looked After immediately prior to the SGO being made and carers are already in receipt of a means tested benefit, they will receive non means tested financial support.
- b) That the recommendations with regards to local arrangements specific to the Leeds offer for special guardianship orders be approved. These being:
- Where children have been Looked After immediately prior to the SGO being made and remain with their special guardianship carers post 18, they will continue to get post 18 financial support, aligned with the current rates paid to care leavers as part of the councils 'staying put' policy.
 - That revised policies and procedures are put in place along with service training to set out the local authority's special guardianship support arrangements.

What is this report about?

- 1 Leeds's existing policy for special guardianship support within Leeds was last reviewed in 2014. The key requirements for support which were outlined within this policy were as follows:
- 2 That any financial support for SGO arrangements is agreed for an initial 2-year period post order. If special guardians wish to have financial support extended beyond this period, this would be subject to a financial review and approval at the departments finance panel.
- 3 That only in circumstances where a child has been in placement for 2 years or more prior to the SGO being made would they receive financial support until that child was 18 years old.
- 4 That only in circumstances where a child was aged 10 or over when the SGO was made would they qualify for post 18 financial support in line with staying put support.
- 5 Over the past 36 months work has been underway across the region to maximise the consistency of support for SGO carers. This work has included consultation with SGO carers from across the region, commissioned finance policy expertise and input from relevant workers from each authority. This work has been overseen by the One Adoption West Yorkshire board which includes senior officers from each local authority.
- 6 The new proposed offer is set out below:
- 7 That SGO arrangements for children who are Looked After immediately prior to the making of the SGO will receive non means tested financial support until they are 18 in line with regional recommendations. Leeds would wish to make specific recommendations that these young people will receive financial support until they are 21 in circumstances where they remain in placement and continue in education or training post 18. Such financial support will be in line

with current level one fostering allowances minus child related benefits and staying put payments post 18. This will be reviewed on an annual basis.

- 8 Where an SGO arrangement has been made privately, without children being Looked After, means tested financial support will be provided subject to a finance assessment. Where carers are in receipt of means tested benefits the means test will be eliminated. This will be reviewed on an annual basis and is in line with regional recommendations.
- 9 There remain some distinct differences within national policies in relation to support for SGO carers as opposed to Foster Carers and Kinship Foster Carers. Our recommendations go some way to mitigate these. Given these differences it is important for the local authority to set out its SGO offer clearly and ensure that there is a consistent approach to the support that carers can expect for the duration that they are caring for their child or young person.
- 10 Leeds's existing policy for special guardianship was last reviewed in 2014. The current criteria relate to the age at which a special guardianship order (SGO) arrangement qualifies for full ongoing support (ie, age 10 plus or has been in placement for over 2 years) and subsequently eligible for ongoing post 18 support. This provides a significant disincentive to foster carers and kinship carers to progressing special guardianship arrangements for Children Looked After until that criterion is fulfilled.
- 11 Our principle is that children living apart from their parents should be supported to grow up in permanent arrangements with the least statutory involvement as possible. As such, special guardianship orders provide a positive permanent option for children where reunification with parents is not possible, particularly where children are being raised within their extended birth families as part of kinship care arrangements.
- 12 In addition to the West Yorkshire position, we are seeking to enhance our support for previously Looked After young people subject to special guardianship orders by enabling them to remain with their special guardianship carers with funding support until the age of 21.

What impact will this proposal have?

- 13 In addition to promoting and supporting delivery of the priorities set out in the Best City Ambition and Children and Young People's Plan the review and recommendation set out within this report are also underpinned by the council's core value to spend money wisely.
- 14 As a result of the National Care Review which was published last year and the more recent National Kinship Strategy published in December 2023, there has been a clear shift in focus towards the support that Kinship Carers should expect to receive from Local Authorities. Kinship Care services are likely to be a more prominent feature within Ofsted inspections with an increased scrutiny on ensuring that Local Authorities have an offer which specifically addresses the challenges that kinship families face. Furthermore, the proposal is aligned with Leeds Family Valued principles, with a move towards a family help approach for families and away from unnecessary statutory intervention.
- 15 The proposed estimated savings in the short to medium term are set out below:
 - £1,248 per child per annum on child benefit deductions for the first child. £827 per annum for each subsequent child placed.
 - £5,450 per child per annum on staffing costs. This is on the basis that there would no longer be a statutory requirement for an allocated social worker or kinship social worker. There is an additional saving on the basis that there would no longer be a statutory requirement for an Independent Reviewing Officer and Fostering Reviewing Officer. This

saving is less easily quantifiable due to caseloads. However, does need to be considered within the context of additional savings related to staff time and mileage claims associated with the travel to and from statutory reviews, meetings, and visits.

- £1280 per annum per eldest child and £827 per annum on subsequent children on the basis that child related benefits can be deducted from the weekly maintenance allowance for those children subject to SGO. This is not currently deduced for children looked after.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 16 The recommendations contained within this report align with the council's ambition to be the best city in the country for children and young people to grow up in. It is well recognised that children who grow up in local authority care often achieve fewer positive outcomes than those growing up within family settings and without the need for social work intervention. The provision of a secure and consistent offer of support to special guardianship arrangements is likely to encourage family members to step in and care for their kin children to avoid them becoming or remaining Looked After within stranger foster care. Achieving permanency arrangements for these children also supports the council ambition to spend money wisely and effectively.
- 17 Whilst the impact on the climate emergency with regards to this policy may be perceived as negligible the cumulative effect of the reduced requirement to travel and meet several times over the course of one year for each child subject to care arrangements living in foster care which would end at the point of a special guardianship order. This will indeed have a small but beneficial impact on the environment.
- 18 The proposal links to the Council's Best City Ambition by means of
- **tackling poverty, helping everyone benefit from the economy to their full potential** by enabling children growing up within special guardianship arrangements to be supported within the household in some circumstances until they reach 21.
 - **making Leeds the best city for children and young people to grow up in** by ensuring that children growing up in special guardianship arrangements are not disadvantaged but are encouraged and supported within a family context.
 - **keeping people safe from harm and promoting community respect and resilience** by enabling children living away from their parents to have the support of a caring adult who is able to meet their needs and ensure they are safeguarded. The corporate risk management plan in relation to safeguarding children highlights the importance of providing support to families as a means of avoiding unnecessary or prolonged escalation to statutory services. The provision of consistent financial support to special guardianship arrangements means that children can access the resources to fulfil their potential and be kept safe from harm within their extended family network and exercise their right to private family life.
- 19 In addition the proposal links to the Council and City's Children and Young People's plan by means of
- **help children and parents to live in safe, supportive and loving families** by ensuring that children who can't reside with their parents for any reason are provided with permanence and stability by a caring adult until they reach 21.

- **ensure that the most vulnerable are supported** by providing adequate and effective support to special guardianship carers so that they can provide safe and loving homes for children and young people and ensure that they are not disadvantaged and are kept safe from harm.
- **support families to give children the best start in life** by enabling children to transition into special guardianship arrangements at the earliest opportunity, without delay.

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted? Yes No

20 Consultation and engagement with stakeholders related to special guardianship arrangements has been undertaken on a regional level overseen by the One Adoption West Yorkshire board. Consultation has also taken place locally through ongoing conversation at our Leeds foster care liaison group and through direct work with special guardians.

What are the resource implications?

- 21 The resources to support an increase in the number of children in special guardianship arrangements as opposed to care orders are at worst cost neutral for a minimum of eight years. This is based on the principle that should these children remain on care orders then they would retain the same costs. Overtime, the proposals will contribute to safely reducing the number of children looked after, thus reducing the statutory requirement for allocated social workers, supervising social workers, Independent Reviewing Officers and Fostering Reviewing Officers, and creating significant saving to children's services over the longer term.
- 22 At the current time, there are around 309 looked after children placed within approved kinship placements. Each child has statutory oversight from a Child Looked After social worker and each kinship carer has a Kinship Supervising Social Worker. There will also be an allocated Independent Reviewing Officer (IRO) and a Fostering Reviewing officer (FRO) to meet the regulations. For every 20 Looked After Children who are made subject to an SGO, there is an approximate saving of one Kinship Worker and One Child Looked After social worker at a PO3 level (£54,631 including oncosts). This equates to a saving of approximately £109,262 per year. There will be additional savings from a reduction in Independent Reviewing Officer's and Fostering Reviewing Officers time which will include savings in relation to mileage in circumstances where statutory reviews, meetings and visits are no longer required.
- 23 For children placed with foster carers who are in receipt of maintenance and professional fee payments currently the local authority is unable to recoup child Benefit element towards the child's care. For Children in special guardianship arrangements the Child Benefit element is considered. This reduces the local authority's payments to the special guardian. Where the local authority continues to make post 18 special guardianship support payments for a young person between 18 and 21 remaining in a previous foster home, the local authority can recoup the Housing Benefit/Universal Credit Housing element. Currently for 18 to 21-year-olds remaining with their special guardianship carers and where the recommendations propose maintaining the same level of financial support as for previously fostered children the local authority is unable to recoup the Housing Benefit/Universal Credit Housing element. This is because young adults previously subject to special guardianship arrangements are unable to claim as a dependent of the Special Guardians.

- 24 Work is ongoing across the children and young people's multi-agency partnership to seek assurance that previously Looked After children subject to special guardianship orders are eligible to receive the same level of services from partners. This includes:
- establishing a function to develop expertise to maximise claims to the adoption support fund to support therapeutic interventions for children subject to special guardianship arrangements.
 - Access to ongoing training and support for SGO carers, where required, around family time issues.
 - Access for SGO carers to similar enrichment opportunities and discounts to those available for foster carers and kinship foster carers for Looked after Children.
 - Improved offer of support to special guardianship families from Early Help colleagues and universal services which includes an awareness and response from these services which is specific to the needs of kinship families.
- 25 Whilst it is difficult to determine the exact costs related to demand led services such as those provided to support Special Guardianship arrangements, as these will be determined by take up, the assessment is that the overall financial implications will be at worst cost neutral for a minimum of eight years.
- 26 At the current time, there are around 250 approved Kinship Carers caring for 309 Looked After Children in Leeds. The cost now for financially supporting these placements post 18 would remain the same as if these arrangements were to continue as foster placements.
- 27 In terms of savings to Leeds City Council, whilst there may be little difference in respect of any finance support paid to SGO carers in comparison to those provided to local authority and Kinship foster carers, the authority will achieve savings through the demand on social work, Independent Reviewing Officer and other resource costs associated with children in care.
- 28 Encouraging timelier SGO's would mean that the service would reduce the overall need for one Kinship Worker and One Child Looked After social worker per 20 children moved to SGO (total £109,262 per annum), therefore working out at £5,450 per annum saving per child moved.
- 29 Set out below are some further estimated costings related to each part of the revised offer:
- 30 Current offer
The SGO payment is agreed on an individual basis for an initial 2 years and is subject to a finance review and approval at finance panel if a carer wishes to extend support beyond this period.
- 31 Proposed
Carers will receive the set maintenance allowance and skills payment (where applicable) that is equivalent to the foster carer policy up to the child's age of 18, however we are able to deduct the relevant child benefit amount from these payments where the special guardian would be able to claim this directly.
- 32 Financial implication
Minimal. Most of the arrangements in place already align with the amounts given in the foster carer policy, therefore there will be no significant change in the SGO payments that are being made under the new policy.
- 33 Overall, if this encourages more SGOs since carers can be confident that they will continue to receive the same financial support, we will start receiving the child benefit savings (as these can be deducted from the maintenance allowance when an SGO). For Child Benefit, for each child

we move to SGO earlier, we save £24pw (for the first child) so £1,248 PA for every child that we can move to SGO earlier.

34 Current

Our current policy sets out that the Looked After child must be in placement for 2 years before the SGO is made in order for the Special Guardian to receive financial support.

35 Proposed

There would be no minimum length of placement before an SGO could be made and still receive financial support.

36 Financial Implication

Currently, care proceedings take on average up to 35 weeks to conclude, therefore practically all carers will wait the additional 69 weeks before applying for the SGO to secure the financial support as this will mean that they automatically become entitled to ongoing payments until 18. Therefore, by implementing this policy there will be no additional cost of paying financial support to SGOs who weren't receiving it under the previous policy.

37 There would be a small saving per child by being able to speed up the process (i.e awarding an SGO upon the conclusion of care proceedings, therefore approx. 62 weeks sooner), potentially saving £24 per week (for a first child, and £15.90 per week for subsequent children) in child benefit deductions, therefore £1,248 per child by speeding up by 1 year, and £5,450 for a year less needed from the corresponding kinship worker/LA social worker.

38 Current

The equivalent of Staying Put payments are only applicable to Special Guardianship arrangements if they are made when a Child Looked After is 10 or over.

39 Proposed

All Special Guardian children who were previously Looked After would be entitled to staying put payments regardless of the age at which they ceased being a Looked After Children.

40 Financial implication

Under the staying put equivalent young people are entitled to-

- Age 18 – full maintenance allowance (minus child benefit element) plus full skills payment (if carer was previously on Level 2 fees or higher)
- Age 19/20 – Full maintenance allowance (minus Child Benefit element) plus 50% of the relevant skills payment (if carer was previously on Level 2 Fees or higher)
- Age 21 – Full maintenance allowance (minus Child Benefit) plus Zero skills payment (if carer was previously on level 2 fees or higher)

41 Currently the average staying put entitlement being paid (so a combination of the options above) is £279 per week. On this basis, for each special guardianship arrangement that is entitled to the equivalent of staying put under the proposed offer (who would not qualify under the current offer), it would be £14,508 per annum additional cost (£58,032 over the 4 years).

42 On the basis that the proposed special guardianship offer would only apply to future special guardianship arrangements it would be at least 8 years (when the first of these cohorts begin to turn 18) that Leeds City Council would start seeing the costs incur.

- 43 On average, there have been around 50 Special Guardianship Orders agreed in previous years where the child is under 10. If all of these young people were aged 9 ½ and therefore will turn 18 in 8 years' time then the additional costs would be:-
- 8 years' time (as the first 50 hit 18) £725,450
 - 9 years' time (as the next 50 hit 18, and the first 50 are 19) £1,450,800
 - 10 years' time (next 50 hit 18, first 50 hit 20, and second 50 hit 19) £2,176,250
 - 12 years' time (and ongoing, when you have 4 cohorts of 50 all within 18-21. As the first 50 young people on Special Guardianship Orders reach 22 and are no longer eligible for the equivalent of staying put, another 50 will come in at 18 £2,901,600
- 44 It is more likely that a lot of the children in these cohorts of 50 are much younger than 9 and a half. Therefore, it is likely that there will be a much more gradual increase between 8 years' time and would then be reaching £2.9m per annum in 18 years' time.
- 45 These figures are just for the existing SGO arrangements for children under 10 years of age. If the proposed offer encourages more carers to progress to Special Guardianship for children under 10 (who might have previously delayed and held out until 10 before moving to SGO) this will have no financial impact on the individual payments to them.
- 46 For every year the SGO is arranged earlier than it previously would have been we would save £1,280 per annum by being able to deduct the child benefit element from the Maintenance Allowance (then £827 PA for each subsequent child placed with the same family) and £5,450 per annum saving on kinship worker & social worker costs per child moved to SGO.
- 47 It is recognised that, in the current financial climate, any potential costs to the Local Authority need to be given due consideration. However, this proposal delivers benefits in the short and long term. There is the potential for a longer-term increase in costs, but the time frame for those increases is a significant number of years away (somewhere between 8 and 18 years) and we expect the proposals to mitigate the risk of additional costs through increased take up of the SGO offer. This avoids children remaining looked after for longer than necessary and potentially increases the number of care proceedings concluding with special guardianship arrangements. In the longer term, there is the potential to further develop the current offer so that increasing numbers of carers may wish to take out SGO's as a means of preventing public care proceedings and can be confident of the support that they will receive.
- 48 It is difficult to model the impact of such a long-term strategy until the proposals are implemented. It will be important that the suggested changes are monitored for impact when introduced so that the strategy can be reviewed if needed and that the financial implications of the longer-term changes are built into the Council's overall long-term financial planning.

Overall implications

- 49 Overall, for Looked After arrangements that wouldn't have progressed to SGO under the current policy, or for the SGOs that we are able to progress sooner, for each one it would generate a small saving over fostering due to the guardian being able to claim child benefit (£24 per week for the eldest child and £15.90 per week for each subsequent child) and therefore we deduct this from the amount payable to them of the £1,280 per annum for the 1st child in the family and £827 per annum for each subsequent child in the family.
- 50 Encouraging timelier SGO's would mean that the service would reduce the overall need for one Kinship Worker and One Child Looked After social worker per 20 children moved to SGO (total £109,262 per annum), therefore working out at £5,450 per annum saving per child moved. This

is unlikely to be realised fully as a cashable saving as the time would be used for other caseloads, however it should help support recruitment and retention and reduce the need for agency staff.

- 51 The only policy change that would incur a cost would be offering staying put to those moved under 10 years old, and this will hit the budget in a minimum of 8 years' time and gradually increase to £2.9m in 18 years' time. Therefore, if this change in policy is approved it will not need to be accounted for in the 24/25 budget, however finance will ensure that these anticipated future costs are included within the medium-term financial strategy as and when they become applicable to ensure the appropriate budget provision can be provided to cover these costs.

What are the key risks and how are they being managed?

- 52 Our current policy was last reviewed in 2014 when, amongst other things, Leeds set out the criteria for foster carers (and kinship foster carers) who progressed to special guardianship orders where children were over 10 years old or has been in placement for longer than 2 years. One of the unintended consequences of this policy is thought to have been that some children who could have moved to SGO arrangements earlier have not done so to ensure that the foster carer (including kinship carers) could access the full benefits of this offer.
- 53 Under the current policy, where arrangements are for less than two years financial support will only be available for two years after which there is an agreement to provide a review of carers financial circumstances to consider whether ongoing payments are required. This method is time consuming and stressful for carers and utilises a significant amount of capacity from the Kinship Service to ensure such reviews are completed thoroughly and fairly. It is also important to note that in most circumstances where there has been a financial review of arrangements grounds to continue financial support have been maintained. This is on the basis that for most special guardianship carers, their financial circumstances rarely improve over time, but frequently decline in line with the rising costs and pressures associated with caring for a child with additional challenges. (ie, having to reduce hours in employment, additional extra-curricular activities, family time costs, mileage etc).

Recommendation.

- 54 It is recommended that age and placement duration criteria be removed. Where children have previously been Looked After by the Local Authority, such maintenance will not be means tested but will deduct the equivalent of Child Benefit from the maintenance allowance. This is on the basis that once children are subject to an SGO, carers can apply for child related benefits on behalf of the child.
- 55 It is also recommended that entitlement for ongoing post Special Guardianship Order support payments for young people remaining with their special guardianship carers between the ages of 18 and 21 become a universal entitlement where the carers were the young person's previous foster or kinship carer. It is recommended that where a special guardianship order has been made for a child who has not previously been a child looked after, any financial support to this arrangement will be means tested unless carers are already on means tested benefits. Where the latter exists, it will be assumed that the carers are entitled to the maximum financial support available minus any child related benefits.

Implications

- 56 The implications of these two recommendations are that more foster carers (including kinship carers) will have an increased entitlement to continuing maintenance (and in the case of local authority carers payment for skills payments) from the point they are awarded special guardianship. This is difficult to quantify in terms of costs as it is not known how many carers currently avoid progressing to special guardianship orders due to the pre-existing policy criteria. However, anecdotally, it is frequently cited by carers as one of the major barriers to progressing to a special guardianship order earlier.
- 57 With regards to post 18 special guardianship support payments there is also a direct impact in respect of the costs that can be recouped by the local authority for a housing benefit element. Currently national benefit entitlements view special guardianships less favourably in this respect than previous fostering arrangements. For example, where the circumstances of a previously fostered young person remaining within the foster family household post 18 under 'staying put' arrangements, the local authority would be able to recoup weekly housing benefits towards the costs, this is not available in SGO arrangements.
- 58 Child benefit and Child Tax credit will be deducted at source from allowances which provides some savings as SGO carers can access this from Universally available benefits. Where carers are in receipt of Universal credit, only child benefit and not child tax credit will be deducted from allowances due to the complexities of extracting the specific amount of child tax credit from the overall universal credit award.

Current Issues relating to payments.

- 59 There are a small number of cases where special guardianship arrangements for children turning 18 and remaining in the household, and where the special guardianship arrangement was entered into prior to the establishment of the 2014 policy that gave entitlement to post 18 SGO support arrangements, that are being referred to our finance panel. In each of these cases they are being awarded equitable status based on the principle of our current policy.
- 60 We currently have around 500 live special guardianship arrangements that are supported by financial payments to previous foster carers.
- 61 An additional complication has arisen through the national roll-out of Universal Credit. The impact of this national change to benefits has been that it is no longer possible to identify and subtract the element of funding that under the previous benefit scheme would have related to the child element of Child Tax Credit. This is relevant as our payments for maintenance for special guardianship orders are reduced by the element to which the special guardian becomes eligible through both child benefit and child tax credit. Whilst we have attempted to apply a formula to calculate/estimate how much of the received benefit into a household might equate to child tax credit given the method of universal credit payments this is not possible to do to any degree of accuracy. We have contacted the DFE for assistance. They have confirmed that they have been unable to address this issue nationally, however, have recognised that their current guidelines do not consider the issues described. Legal advice has been sought regarding this specific issue. We are confident that the proposal outlined above is lawful in the circumstances and should the process of extracting child tax credit become less complicated this position will be reviewed.
- 62 A further additional impact that has become evident for SGO carers in respect of benefits relating to the implementation of a benefit cap which provides a maximum ceiling of benefits that any one household can receive. Unlike in fostering arrangements where looked after

children do not form part of the benefit claim, children under SGO arrangements do. This can mean that the family have a higher entitlement to benefits, which is then capped.

Recommendation.

- 63 It is recommended that payments made for special guardianship carers who were previously foster carers or kinship carers are reduced by the child benefit element only (1st and 2nd child levels as applicable) and do not deduct any element the Child Tax Credit where universal credit is claimed.
- 64 Access to additional support including financial support for celebrations and holidays.
- 65 Children subject to care orders and living with foster carers (including kinship carers) currently receive an annual entitlement from the local authority as part of its corporate parenting responsibilities to those children. This is in the form of an additional four-week allowance to coincide with birthdays and other significant religious celebrations.
- 66 Currently, where children have been Looked After immediately prior to the SGO, they continue to receive such payments. However, it has been agreed by all regions involved with the ongoing SGO work that these elements will now end at the point of a special guardianship arrangement being made. This is based on the principle that under the revised support arrangements, carers will also have the reassurance of knowing they will receive ongoing financial support for the child until that child reaches independence which hopefully mitigate the anxiety and stress of the current arrangements which are only guaranteed for 2 years at a time.

Recommendation

- 67 It is recommended that Leeds endorse this position which has been confirmed by the West Yorkshire working group.

Implications

- 68 Communication of this arrangement needs to be clear with respect to the new policy setting out the totality of all support, including financial support, as a specific offer to potential special guardianship arrangements. Our intention is that children in SGO arrangements are not different or distinct from other children in the family.
- 69 Special guardianship order arrangements for connected persons who have not been approved as foster carers or kinship carers.
- 70 In some situations, the Local Authority may be responsible for completing a schedule 21 court report for an SGO application which has been made for a child who is not Looked After. In these situations, regular weekly payments will be considered to secure and maintain permanence for the child, where the financial circumstances of the proposed special guardian are assessed as being a significant barrier to the SGO arrangement meeting the needs of the child. The carer will be financially assessed via the agreed regional means test model devised in partnership with OAWY and a benefit check be carried out to determine the level of financial support given the assessment.
- 71 We have worked with regional partners to establish a single means test based on the One Adoption West Yorkshire model to apply a single West Yorkshire approach to means testing prospective special guardianship arrangements. This is so that our local authorities have a clear basis upon which to provide financial support. This has now been completed and it is proposed that the carer payments team will be responsible for undertaking the initial means test in Leeds

What are the legal implications?

72 The recommendations set out within this report will establish a revised policy to be adopted by Leeds in relation to supporting Special Guardianship arrangements. The legal implications of this policy have been subject to scrutiny by legal colleagues. It has been confirmed that the proposed offer is within the means of the law and abides by the relevant legislation relating to children and families and fits with recent changes in national policy relating to kinship care support.

Options, timescales and measuring success

What other options were considered?

73 That Leeds continues in line with their current policy for SGO support as described earlier within this report. This option is likely to result in continuation of foster and kinship carers delaying progression to SGO arrangements to ensure that they fulfil the age-related criteria and are eligible for the full support. Thus, meaning that children's progression to permanence is delayed, sometimes unnecessarily and the number of children looked after remains higher than it needs to be. Furthermore, there has been a significant amount of feedback from carers (both SGO and Kinship / Foster Carers) that the current policy is unclear and provides opportunity for there to be inconsistency for what SGO carers can expect / request in terms of support.

How will success be measured?

74 Success will be measured through a reduction in children looked after, an increase in SGO carers, better outcomes for children and a more robust policy which makes it clear what carers can expect from Leeds City Council as a Special Guardian and in what circumstances. The offer will be underpinned by more detailed SGO support plans which will make it easier for carers to come back for review if their circumstances or the needs of the child change.

What is the timetable and who will be responsible for implementation?

75 There has already been a delay in the progression of the proposals, linked to covid, . Several foster carers have indicated that they would wish to apply for SGOs should a more favourable support and finance policy be agreed. There is an urgency for implementation as soon as possible to avoid any further delays and to maximise the positive outcomes for children and, the savings and additional benefits that a rise in SGO carers will bring.

76 The Deputy Director Children's Social Care will be responsible for the implementation of the offer and its accompanying policy.

Appendices

- Equality, Diversity, Cohesion Impact Screening (EDCI)

Background papers

- None

Glossary

- SGO – Special Guardianship Order
- Schedule 21 Report – This is the term for the report which is requested by the court to inform an application for SGO. It is undertaken by a qualified social worker.

- OAWY – One Adoption West Yorkshire – This is the regional adoption agency responsible for the approval, matching and support of adopters. They have also been responsible for leading on the SGO support offer proposals.
- Looked After – Where a child is a Child ‘Looked After’ they are in the care of the Local Authority, under an Interim Care Order or a Care Order or S20 arrangements.