



**Special
Guardianship
Orders**

With you every step of the way

Fosterline
0800 040 7675
your fostering advice service

www.fosterline.info



Fosterline receives a number of calls from foster carers who have been asked to consider taking out a Special Guardianship Order for their foster child. Often they are unsure what this means and have been given very little information by their social worker. Fosterline has produced this information to help foster carers clarify the terminology that might be used and the implications for looked after children and their caregivers.

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What is a Special Guardianship Order (SGO)?

A Special Guardianship Order (SGO) is an order of the court under the Children Act 1989 which grants the holder(s) parental responsibility over a child until they reach the age of 18. This enables the special guardian(s) to make day-to-day decisions on behalf of the child, for example in relation to their education.

Special Guardianship orders (SGO's) were introduced as an amendment to the Children Act 1989 by the Adoption & Children Act 2002, implemented on the 30 December 2005, and amended in 2016. SGO is a legal order intended to meet the needs of children separated from their birth parents which would offer more security to the children and their carers than provided by long-term fostering – but without severing all legal ties with their birth parents, as is the case with Adoption.

Anyone with whom the child has been living for 12 months or more can apply to the Court for a Special Guardianship Order. This can include foster carers, grandparents, or family and friends foster carers.

The key issue is that there is an established relationship between the child and the person applying for the SGO. If the person applying for an SGO has previously been the child's foster carer, they will be entitled to a package of support from the local authority, including financial assistance.

I have been told I have to take out an SGO on my foster child.

Some foster carers contact Fosterline to say that they feel they are being pressurised to take out a Special Guardianship Order on their foster child or told that if they don't do so the child will be removed. Regulations are clear that children should not be moved for financial reasons and therefore you should not be pressurised into taking out an SGO if you do not feel it is right for you or your family. Fosterline can help you decide whether this is right for you and you should always take independent legal advice before proceeding with this serious step.

What support do Special Guardians receive?

Special Guardians are entitled to a Support Package which should be confirmed in writing as part of the process. This can include

- Financial support
- Access to support groups for special guardians
- Help with contact arrangements with birth relatives
- Access to therapy for the child if necessary
- In some circumstances, respite, training and emotional support.

If you have previously been a Foster Carer for the child, you may be able to receive an allowance. (Generally reviewed after 2 years but in certain cases can be for a longer period of time). The financial support may differ from the level it was received as a foster carer and it can be withdrawn by the Local Authority completely. Financial support will depend on the Local Authority assessment of the child's needs and your own circumstances, including eligibility for benefits and tax credits.

Special Guardians are also able to apply for child tax credits and claim for child benefit.



Support for young people subject to special guardianship order

Young people who are subject to an SGO will not usually have a social worker as they are no longer considered to be in care, and will not qualify for “Staying Put” once they reach 18. However, young people aged 16 – 21 who were looked after immediately prior to the SGO being made are entitled to advice and support. For example, Local authorities can pay a special guardianship allowance in respect to a young person over 18 if they are completing a course of full time education or training. Foster carers should be made aware of this when applying for SGO by the local authority.

Questions to consider before proceeding:-

- What are the reasons for considering Special Guardianship and do I feel pressured?
- Is it the right option for the child, for me, for my family?
- Can I afford to commit to Special Guardianship, what financial support is available and for how long?
- What contact will I have with birth family and will I be able to negotiate contact without conflict?
- Do I have the details of the support package in writing so I can take legal advice on the package?
- Will the Local Authority pay the legal fees?
- Do I have all the information to be able to make a decision?

Next Steps:

If you decide that you wish to apply to become a special guardian, the local authority responsible for the child will carry out an assessment of your suitability and prepare a report for the court detailing the support package that you are being offered. Once an order is made, it is very difficult to get the support package reviewed so it is important that you take independent legal advice, which the local authority should pay for if they have asked you to become a special guardian, and ensure that yours and the young person’s support needs will be fully met.

If you are unsure about any of the points raised in this Fact Sheet, then give Fosterline a call and discuss the issues in complete confidence with one of our fostering advisors. Becoming a Special Guardian is a major decision for you and your family and deserves to be thought through carefully.

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