

Special Guardianship

A Special Guardianship Order (SGO) is a court order in respect of a child aged under 18 years. This leaflet explains more.

**Brighter Futures for Children
Friends & Family
Leaflet 3
V2.0**





What is Special Guardianship?

A Special Guardianship Order (SGO) is a court order in respect of a child aged under 18 years. An SGO can be made as a final order in care proceedings, or it can be made as a result of a private application.

- ★ An SGO gives parental responsibility (PR) to the special guardian(s). The special guardian(s) then take full responsibility for the child's day-to-day care and upbringing and make most of the key decisions about the child's life without the need to consult the child's parent(s) or anyone else who previously held parental responsibility for them.
- ★ Unlike adoption, the granting of an SGO does not change the legal relationship between the child who is the subject of the order, and their parent(s) or other family members.
- ★ Following the granting of an SGO, anyone who previously held parental responsibility for the child will continue to hold it, alongside the special guardian(s). However, their ability to exercise their parental responsibility will be restricted. It is important to note that the parental responsibility held by a child's special guardian(s) overrides that of anyone else, so a special guardian is not obliged to consult with anyone else when making most decisions that relate to the child.
- ★ However, there remain a few specific issues that the child's parent(s) must be consulted on. These include:
 - Changing the child's surname
 - The removal of the child from the United Kingdom for any period longer than three months
 - The sterilisation of the child (and other medical treatments)

- The child marrying between the ages of 16 – 18 years

Note: the mother of a child always holds parental responsibility for the child. A child's father will hold parental responsibility if he was: married to the child's mother, or they were in a civil partnership, when the child was born; if he is named on the child's birth certificate, or if he has subsequently been granted parental responsibility through a court order.

- ★ An SGO lasts until the child who is the subject of the order reaches their 18th birthday. When granting an SGO it will usually be the expectation of the court that the child will live with the special guardian(s) throughout the remainder of their childhood and will transition into adult life from their care.
- ★ There is a general expectation that children who are subject to special guardianship arrangements will be supported by their guardians to maintain a level of contact with their parent(s) and/or other significant family members throughout childhood. This may be through face-to-face or indirect contact, provided this is safe and in-keeping with the wishes and needs of the child. Part of the role of a special guardian is to facilitate, monitor and supervise regular or periodic contact between the child and their significant family members. Brighter Futures for Children's special guardianship support worker will provide advice and guidance as required.

Who can apply for a Special Guardianship Order?

- ★ To be eligible to apply for an SGO, the applicant(s) must be aged 18 or over.



Neither of a child's parents can become the child's special guardians.

- ★ SGOs can be granted to single applicants or to couples whether they are living together or not.
- ★ The following people are eligible to apply to become a child's special guardian(s):
 - Anyone who is already a legal guardian to the child
 - Anyone who already holds responsibility for the child under the auspices of a Child Arrangement Order or a Residence Order
 - Anyone the child has lived with for at least three years out of the previous five
 - If the child is in local authority care, anyone who has the consent of the local authority to apply for an SGO
 - A local authority foster carer who the child has lived with for at least one-year preceding the application
 - Any relative of the child who has lived with them for at least a year immediately prior to making an application for an SGO
 - Anyone who has the consent of those with parental responsibility for the child
 - Anyone who has permission from the court to make the application.

The Special Guardianship Order assessment

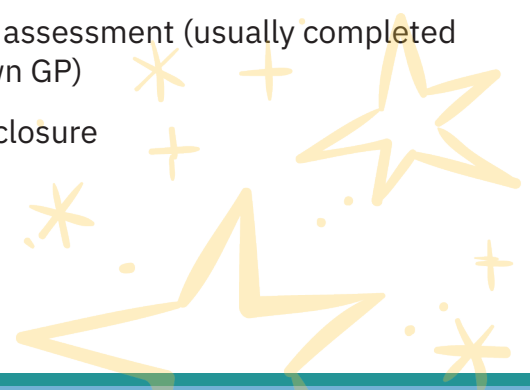
- ★ Prospective special guardians may already be caring for the child(ren) who is the subject(s) of the application under a Regulation 24 or Regulation 25 arrangement. Or they may already be fully approved as a foster carer(s) for the child(ren). If this is the case, they will have been subject to an assessment of their suitability to care for the

child(ren), which the special guardianship assessment will then build on.

- ★ Regardless of what other assessments have previously been completed, the local authority will be required to complete an SGO assessment. The areas that will be included in this are:
 - The applicant's understanding of the concerns about the child(ren) and how the applicant(s) will keep the child(ren) safe throughout their childhoods
 - The applicant's ability to parent the child(ren), bearing in mind the experiences and trauma they may have suffered
 - The applicant's understanding of permanence and willingness to provide a home for the child(ren) throughout childhood
 - The applicant's relationship with the child(ren)'s parent(s) and wider family members
 - The applicant's views about contact between the child(ren) and significant wider family members.
- ★ If the applicant(s) are making a private application for an SGO, they will need to write a letter of intent and send it to the Berkshire local authorities' Joint Legal Team based at the Civic Offices in Reading. Brighter Futures for Children's Social Care will then have 12 weeks to complete the SGO assessment.

- ★ As part of their assessment, prospective special guardians will also be required to cooperate with the following checks:

- A medical assessment (usually completed by their own GP)
- A DBS disclosure





- **Note:** DBS disclosures will be required for all adults living in the prospective special guardian(s)' household
- Prospective special guardians will need to provide names and contact details for three personal referees who will be asked to complete a reference form. At least two of them will then be interviewed by the assessing social worker
- Prospective special guardians will be asked to provide names of their employers so that a reference can be sought
- If prospective special guardians have children of their own who are of nursery or school age and live with them, a reference will be sought from each child's nursery or school
- If prospective special guardians have their own child(ren), and the child(ren) is of an appropriate age and understanding, the child(ren) will be interviewed during the assessment period to gather their views
- The assessment will include completion of a financial assessment, and prospective special guardians will need to provide proof of their household income, financial position and that their rental and/or mortgage payments are up to date
- ★ Once the assessment has been completed, and all references and checks have been received, the assessment will be written up as a report, which will be shared with the prospective special guardian(s) before it is submitted to the court
- ★ The judge will consider the assessment report along with other submissions prior to deciding whether to grant an SGO in respect of the child(ren) to the prospective special guardian(s).

Do I get support?

- ★ When a special guardianship application relates to a child(ren) who is in local authority care, that authority must draw up a special guardianship support plan. This will be discussed with the prospective special guardian(s) prior to it being finalised and submitted to the court.
- ★ Special guardianship support plans are individually drawn up and will reflect the situation and needs of the child(ren) and the proposed special guardian(s). However, they will always include consideration of the following areas:
 - Post-order contact
 - Individual post-order support for the child(ren) and the special guardian(s) – including around any additional health or educational needs that the child(ren) may have
 - Attendance at relevant support groups
 - The carer's likely training needs and how these can be addressed
 - The carer's financial position and the available financial support
 - Any other immediate or likely future support needs, and how these might be addressed.





Any questions?

If you have questions about any of the information contained in this leaflet, or you require further information, please contact your assessing social worker or the Team Manager of the Brighter Futures for Children Adoption & Permanence Service:

Name:

Email address:

Phone:

Alternatively, visit us online at www.brighterfuturesforchildren.org

