



# Investing in Special Guardianship: opportunities and challenges in policy, law and practice

A conference jointly organised and delivered by the  
Centre for Child and Family Justice Research,  
University of Lancaster, CoramBAAF and Grandparents Plus

**9.30am - 4.15pm Thursday, December 5th, 2019**

Queen Elizabeth II Centre, Coram Campus, 41 Brunswick Square, London, WC1N 1AZ

## Introduction

In recent years special guardianship has transformed the landscape for children who cannot remain in the care of their birth parents. Since 2010 more than 20,000 children have found a permanent home within their family networks, secured by a Special Guardianship Order that lasts until the young person is 18.

Use of Special Guardianship entails a number of major challenges in law, policy and practice, which have been subject to recent reviews. Making these orders raises profound questions about the entitlements and experiences of children, special guardians and birth parents, and the relationships between courts, children's services and special guardians.

This conference is timely in bringing together leaders in law, research and practice to consider the latest recommendations from the Public Law Working Group and to look closely at the challenges in Special Guardianship and ways of addressing them.

It asks what messages research can contribute to shaping priorities for reform in local authorities, the courts and a range of other services. The personal views and experiences of special guardians are central to this conference. The conference will finish with a panel to reflect on the findings of the conference and their implications for England and Wales.

## Programme for the day

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<b>9.30am</b>	<b>Registration</b>
<b>10.00am</b>	<b>Welcome and opening remarks by Conference Chair, Professor Karen Broadhurst</b> Karen Broadhurst, Professor of Social Work and Co-director, Centre for Child and Family Justice Research, Lancaster University
<b>10.10am</b>	<b>Special Guardianship Orders: the way forward in 2020</b> The Honourable Mr Justice Keehan, Family Division Liaison Judge
<b>10.45am</b>	<b>Special Guardianship Orders: law and practice</b> Deidre Fottrell, QC, 1, Garden Court Chambers
<b>11.20am</b>	<b>Refreshment Break</b>
<b>11.40am</b>	<b>Special Guardianship: priority messages from research for policy and practice</b> Judith Harwin, Professor in Socio-Legal Studies, Co-director, Centre for Child and Family Justice Research, Lancaster University
<b>12.15pm-12.50pm</b>	<b>Special Guardianship: the key issues from the rapid evidence review</b> John Simmonds, Director of Policy, Research and Development, CoramBAAF
<b>12.50pm-1.35pm</b>	<b>Lunch</b>
<b>1.35pm</b>	<b>The highs and lows of Special Guardianship: what is the current picture and what needs to change?</b> Cathy Ashley, Chief Executive, and Jessica Johnston, Legal Advisor, Family Rights Group
<b>2.10pm</b>	<b>The Special Guardian journey: three individual experiences and perspectives</b> Maxine Campbell, Special Guardian and Project Worker, Kinship Connected, Grandparents Plus Gillian Ions – Special Guardian and Chair of “Kinship Carers In Touch – Gateshead” Stacy Porter, Special Guardian, Acting Chair of the County Durham Kinship Care Group
<b>2.55pm</b>	<b>An end to the ‘dump and run’ approach: developing support for special guardianship families</b> Lucy Peake, Chief Executive and Maxine Campbell, Special Guardian and Project Worker, Kinship Connected, Grandparents Plus
<b>3.40pm</b>	<b>Panel: reflections on the conference and implications for England and Wales</b> Sir James Munby, Chair of the Nuffield Family Justice Observatory Laura Scale, Senior Practice Development Officer Cafcass Cymru Sarah Johal, Head of One Adoption West Yorkshire Professor Joan Hunt OBE, Honary Professor, Cardiff University Law School
<b>4.10pm-4.15pm</b>	<b>Closing remarks by Conference Chair, Professor Karen Broadhurst</b>

# Speakers

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Cathy Ashley and Jessica Johnston  
Chief Executive and Legal Advisor, Family Rights Group

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Cathy has served as Chief Executive of Family Rights Group ([www.frg.org.uk](http://www.frg.org.uk)) for 15 years. Jessica Johnston is the charity's Legal Advisor. She is a solicitor with expert legal knowledge of child welfare law, court procedure and policy, which she has gained over seven years in the legal field acting for parents and families.

Family Rights Group is the charity in England and Wales that works with parents whose children are in need, at risk or are in the care system and with wider family members who are raising children unable to remain at home. It advises over 5,000 parents and kinship carers each year about their rights and options when social workers or courts make decisions about their children's welfare.

The charity campaigns for families to have their voices heard, be treated fairly and get help early to prevent problems escalating. It champions policies and practices that keep children safe within their family and strengthen the positive family and community networks of children who cannot live with their parents. It supports a vibrant parents' and kinship carers' panel. Half of Family Rights Group's trustees are now kinship carers or parents with child welfare expertise.

Cathy and Jess lead the policy and campaign work of the Kinship Care Alliance and act as co-secretariat to the cross Parliamentary Taskforce on Kinship Care. Family Rights Group in 2018 facilitated a sector-led Care Crisis Review. This examined the factors contributing to the number of looked after children reaching the highest level since 1985. The Review reported in June 2018 with a series of

recommendations setting out options for change, some of which have been implemented. Both now sit on the President of the Family Division's Public Law Working Group.

Cathy has lead the development in the UK of a new approach to building relationships for children in care, called Lifelong Links, which is being trialled in 12 local authorities in England and five in Scotland.

Cathy has written and edited a number of child welfare reports and publications including on kinship care.

Karen Broadhurst  
Professor of Social Work and Co-Director,  
Centre for Child & Family Justice Research,  
Lancaster University

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Professor Karen Broadhurst is based in the Department of Sociology at Lancaster University. She is Co-Director of the centre for Child and Family Justice Research which is home to researchers from the disciplines of social work, social policy, law, criminology, statistics and computing. Research currently being undertaken by the Centre is focused on family preservation, special guardianship, child reunification, children in care, mothers and fathers in care proceedings and women in the criminal justice system. Projects are national and international.

Karen's recent work on the scale and pattern of women's repeat appearances in public law proceedings (recurrent care proceedings) catalysed major central and local government investment in a range of prevention initiatives which aim to help women avoid a cycle of repeat removal of children. Karen continues to work closely with policy and practice colleagues to help shape services for parents and promote family preservation.



As part of the Nuffield Family Justice Observatory initiative, and in partnership with the SAIL Databank at Swansea University, Karen is currently leading a team of researchers who are demonstrating and supporting others to produce analyses of family justice-systems in England and Wales using single and linked large-scale administrative datasets. First outputs from the project team concerning new-born babies and infants (The “Born into Care” series) have been reported by BBC England and BBC Wales and are shaping national policy and practice.

Maxine Campbell  
Special Guardian and Project Worker,  
Kinship Connected, Grandparents Plus

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Maxine Campbell is a Special Guardian to her niece, Social Influencer, Special Guardian and Kinship Care Advocate for Change. Founder of Special G’s and Kin Group (London). Maxine has a background in support work within the charity sector and became a Kinship Connected Project Worker at Grandparents Plus in 2017 following a short period of supporting the North London Adoption & Fostering Consortium through workshops and attending their varied support groups. Maxine is also on the Family Rights Group (FRG) Kinship Carers Panel.

Judith Harwin  
Professor in Socio-Legal Studies, Co-Director, Centre for Child & Family Justice Research, Lancaster University

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Judith Harwin is professor in socio-legal studies at Lancaster University and co-directs the Centre for Child and Family Justice Research <https://www.cfj-lancaster.org.uk/>. She is a member of the Data Partnership at Lancaster University funded by the National Family Justice Observatory. She has a long-standing interest in outcomes for vulnerable children, parental substance misuse and the interface between law, policy and practice. Recent publications include a national study of supervision

orders and special guardianship funded by the Nuffield Foundation and a rapid evidence review of special guardianship prompted by the Re P-S court of Appeal judgment [Re P-S (Children) [2018] EWCA Civ 1407]. The review was funded by the Nuffield Family Justice Observatory and was led by CoramBAAF working in partnership with Lancaster University. She was the principal investigator in the Nuffield Foundation and DfE funded evaluations of the Family Drug and Alcohol Court in care proceedings since its inception in 2008.

She was a member of the expert advisory group for the DfE Review of Special Guardianship undertaken in 2015 and served on the academic advisory group of the Family Rights Group Care Crisis Review. She is a member of the Public Law Working Group. She is also a consultant to NatCen, who have been appointed to carry out the recently commissioned evaluation of Family Drug and Alcohol Courts funded by the DfE under its programme Supporting Families-Investing in Practice. She has been a long-standing member of the CoramBAAF Research Advisory Group.

Joan Hunt OBE  
Honorary Professor, School of Law, Cardiff University

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Joan Hunt has over 30 years experience in family law research, at the universities of Bristol, Oxford and latterly Cardiff, where she is now Honorary Professor. She has a long-standing interest in kinship care, undertaking studies on outcomes, support, and most recently, the perspectives of specialist kinship practitioners. She has produced several overviews of national and international research, briefing papers for government, and practice guides for social workers and is currently preparing an overview of UK research on kinship care. She contributed to the Welsh government’s review of special guardianship, a good practice guide on kinship foster care and a study of outcomes for young adults brought up in kinship care.

Sarah Johal  
Head, One Adoption West Yorkshire

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Sarah Johal is the Head of One Adoption West Yorkshire, the first Regional Adoption Agency (RAA) in England. Sarah has over 28 years' experience as a social worker and has worked for Leeds City Council developing fostering and adoption services in the city since 2003 as a team and then service manager within fostering and adoption and the wider children's services. She moved to be a Head of Service for looked after children in Leeds in 2014 prior to taking up the position to lead the new RAA in January 2017.

Sarah has a CQSW in Social Work (1990), MA Social Work and Social Care (2001) & Advanced Award in Social Work (2002) and a Post Graduate Certificate in Applied Social Work Management (2007). She is married with two children, now adults and is a firm believer in restorative practice and developing services based on research and evidence of what works well. Key to this approach is working with children, young people, birth and adoptive parents and carers and adopted adults ensuring they have opportunities to have their voices heard and that they can influence decisions and services that affect their lives.

The Honourable Mr Justice Keehan  
Family Division Liaison Judge of the Midland Circuit

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LLB (Hons) Birmingham 1978 – 1981  
Bar Vocational Course 1981-1982  
Called to the Bar by Middle Temple 1982  
Tenant at St Ives Chambers 1983-2013  
Appointed Recorder 1999  
Appointed QC 2001  
Appointed Deputy High Court Judge 2003  
Chairman West Midlands Family Law Bar Association 2003-2008  
Deputy Head of Chambers 2000-2005  
Head of Chambers 2005-2013  
Appointed High Court Judge assigned to the Family Division May 2013  
Appointed Family Division Liaison Judge for the Midland Circuit October 2014.

Sir James Munby  
Chair of the Nuffield Family Justice Observatory

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Sir James Munby was appointed a Judge of the Family Division in 2000 and of the Court of Appeal in 2009. From 2009 to 2012 he was Chairman of the Law Commission and, from 2013 until his retirement in 2018, President of the Family Division. He is currently Chair of the Nuffield Family Justice Observatory. He was one of the judges who in June 2018 in the Court of Appeal decided *Re P-S (Children)* [2018] EWCA Civ 1407.

Lucy Peake  
Chief Executive, Grandparents Plus

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Lucy Peake joined Grandparents Plus as Chief Executive in September 2015. Since then, she has led a focus on transforming support for kinship care families through an expansion of programmes, services and influencing activities. This includes the development of Kinship Connected the leading support programme for kinship carers, Kinship Active, a new programme for children and their carers, and the new national awareness campaign Kinship Care Week. She is a member of the Adoption & Special Guardianship Leadership Board, the Nuffield Family Justice Observatory Stakeholder Advisory Council and the Kinship Care Alliance. She has been interviewed recently on Sky News, Channel 5 News, BBC World at One, Victoria Derbyshire, BBC Five Live and Radio 4 Women's Hour.

Previously she spent 11 years at The Fostering Network where she was Director of External Affairs and then Director of Development where highlights included the introduction of Mockingbird, the London Fostering Achievement programme and the successful Staying Put campaign.

Stacy Porter  
Special Guardian, Acting Chair of the County  
Durham Kinship Care Group

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Stacy Porter is the Volunteer and Engagement Officer at Durham University. Her kinship background is that she has been part of this very new world for nearly two years now. In July 2019 she received an SGO for her niece, who she has cared for since birth. She is currently the Acting Head for the County Durham Kinship Carers Group. It became very apparent that there was limited support for individuals who were being thrust into life changing situations like this. We are now working in conjunction with Durham County Council and other kinship support charities to provide information and guidance to individuals and families.

Laura Scale  
Senior Practice Development Officer,  
Cafcass Cymru

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Laura Scale is a Senior Practice Development Officer with a focus on public law in Cafcass Cymru. Prior to this role Laura has worked as a Practice Manager and Family Court Advisor. During this time Laura has represented a number of children who have been subject of Special Guardianship Orders.

Prior to working for Cafcass Cymru Laura was a Service Manager at City and County of Cardiff Children's Services.

Dr John Simmonds OBE  
Director of Policy, Research & Development,  
CoramBAAF Adoption & Fostering Academy

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Dr John Simmonds is Director of Policy, Research and Development at CoramBAAF, formerly the British Association for Adoption and Fostering. Before starting at BAAF in 2000, he was Head of the social work programmes at Goldsmiths College, University of London. He is a qualified social worker and has substantial experience in child protection, family placement and residential care settings. He is currently

responsible for CoramBAAF's contribution to the development of policy and practice in social work, health, the law and research. He has published widely including in the 1980s the first social work edited book on direct work with children. More recently he edited with Gillian Schofield the Child Placement Handbook and drafted CoramBAAF's Good Practice Guidance on Special Guardianship.

Recent research studies have focussed on unaccompanied asylum seeking children in foster care with the Universities of York and Bedfordshire, a study of 100 women adopted from Hong Kong into the UK in the 1960s with the Institute of Psychiatry and a DfE funded study on special guardianship with York University. John sits on the DfE's Adoption and Special Guardianship Leadership Board.

John is the adoptive father of two children, now adults. He was awarded an OBE in the New Years Honours list 2015 and a honorary doctorate in Education from the Tavistock NHS Foundation Trust/University of East London.

## SGOs Law and Practice

Deirdre Fottrell QC

### Overview

- Purpose of SGO
- Who can apply
- Procedure – Cases of H and PS
- What is the Effect of the SGO – Re S
- Challenges and possible changes

## - Origin of SGO - Review of Adoption Law 1992/2000

- Issues around adoption by relatives
- Proposal that courts should be able to appoint an 'inter vivos guardian'
- All powers under s.5 1989 – but could not agree to child's adoption
- Need for security beyond long term fostering
- Not severing relationship with birth rels

## White Paper 2000

- New concept of order which was short of adoption for children who cannot return to birth parents
- Older children do not want to sever legal ties
- May be cultural particularity
- However may want a lifelong relationship with their carers



## White Paper – Adoption a New Approach

- ‘give the carer clear responsibility for all aspects of caring for the child or young person and for making the decisions to do with their upbringing’
- two key elements
- Elevated PR under – cannot be parents (s.14(2) )b)
- Parent cannot apply for discharge of it without leave – (s.19 (7)(a) whereas they can with a CAO

## Legal Framework

- Adoption and Children Act 2002 – s.115(1) – brought in s.14A-F of CA 1989
  - SGO Regulations 2005 (revised 2016 – Reg 21)
  - SGO is an order appointing one or more persons to be a child’s ‘Special Guardians’
- Key element is elevated PR S.14 C(1)

## SGO – Who can apply 1GC | Family Law

- S.14 (5) – who can apply – without leave
- Guardian
- Person named in the CAO
- Person named in s. 10 5(b) or (c) – lived with for 3 years or CAO, has parental consent, under LA care has their consent
- Court may make the order of its own motion
- Any other person with leave – see s.10 (8) and (9)

## 1GC | Family Law

### Routes to the SGO

- Freestanding application
- Within existing proceedings made by an eligible person
- Of the court's own motion (see next slide)
- Can arise within public or private law proceedings
- FPR 2010 designates it private law save where child has been subject to Care Order

## Leave to make an application

- S.10(9) criteria –
- Nature of the application
- Connection with the child
- Risk that it may disrupt the child's life so as to harm the child
- If the child is LAC – LA plans
- Wishes of parents

## Re J [2003] – Re B [2012]

- Interpretation of the test
- S.10(9) not exhaustive
- Court may consider 'prospect of success'
- Most commonly arising in planning and review for LAC
- Must give 3 months written notice (Reg 21 – expands the scope)

## When should the Court make it of its own motion

- S.14(8) report which complies with the regulations before the Court
- S.14(6) then the Court can make the order of its own motion –
- **Re H (Analysis of Realistic Options and SGOs) [2015] CoA – Ryder LJ**
- Court should not circumvent leave requirement where there is opposition – ie own motion to be used sparingly and where there is no procedural irregularity – ie there should be an application (3 months notice required)

## Re H – Leave and Reports Ryder LJ

- *‘The statutory purpose is a very real protection. The contents of such a report is to be set out in the regulatory scheme which is to be found in the Schedule to the Special Guardianship Regulations 2005 which is designed to ensure that the right questions are asked before controlling parental responsibility is vested in a person other than the local authority’*

## Re H – procedural fairness

- *‘Such an order is a significant step in the a child’s life that is intended to have long term consequences and the protections that surround it should be respected’*
- Application – leave – assessment and cross examination in the trial – all part of the procedure under the Act

## Reports/Assessments

- Required by s.14(11) – cannot make the order without (s.14(8))
- Increasing concern and awareness that post Children and Families Act 2014 (26 weeks time limit) assessments are sometimes rushed/superficial
- DFE research 2015 - increase in use of SGOs to end proceedings

## DFE Research

- Late identification of family members
- Difficulties with assessing and providing support to family members
- Assessments being rushed or insufficiently details
- SGOs used for younger children
- Does the carer know the child

## Nuffield research/ADCS Guidance

- Assessments can take longer than placement order proceedings
- Reports must cover the matters set out in the schedule
- Legitimate reason to go beyond 26 weeks
- Not a default if adoption too difficult



## PS (Children) [2018] EWCA Civ 1407

- Care proceedings – agreement as to removal of children from parents and placement with two sets of GPs
- Prospective SGOs were not parties or represented
- No applications for SGOs
- Judge declined to make orders and made ‘temporary care orders’

## Re PS – issues of procedure

- GPs were not considered until late in the proceedings
- Obligation to put all realistic orders before the Court
- No concept of temporary care orders which can be discharged on a fixed event or limited in time

## Judgment

- Statutory scheme had been departed from by the Court
- In re H – consideration given to cases where Court should make the order of its own motion
- S.10(5) (b) and (c ) clear as to its application and meaning – a class of persons may apply for orders
- That should inform a judge considering whether it should be made of its own motion

## Judgment

- Ryder LJ identifies three strands at para 13;
- The lack of adequate reasoning for making care orders rather than ICO or SGO
- Reliance on guidance that was neither formal nor peer reviewed research
- Procedural unfairness
- Focus in large measure is on the balancing exercise and the comparison of options

## Judgment

- Local authority who assesses family carer will very often propose SGO
- That brings the person within the framework of s.10
- The issue of entitlement to make the application should be considered by the Court
- Residual power to make the order of its own motion should not be the norm - may raise procedural difficulties [para 54]

## Judgment

- A consequence of the Court not considering s.10 where the LA is in favour – or a parent may be in favour is the procedural unfairness to the SGOs and other parties
- CG and LA under an obligation to consider it
- Solution can be a direct application – party status, legal advice, preparation of evidence – all to be dealt with at the IRH
- The interests of the children require it

## PS – Key guidance

- Making an order of its own motion should not be the norm – see Re H
- SGOs should not be left on the ‘sidelines’ without representation - if an issue associated with their case is to be tested – this is achieved if an application is made – importance of IRH

## Adoption v SGO

- In PS at para 35 Ryder LJ noted that SGO does not have the same degree of permanence as adoption – it was not intended to have
- Legislative framework is different
- It does not extinguish PR – there is no direct equivalence to an adoption order
- Note the requirement the child has a home with the adopters

## Adoption v SGO

- In SGO – requirement is that the assessor and the Court consider the ‘current and past relationship with the child’ Reg 21 –
- Regulations amended in 2016
- Permanence is a key objective of both orders

## Adoption - SGO

- Judgments in 2007, Re S [2007] (a child) EWCA Civ Wall J, Re AJ and M-J
- Is the SGO for family members
- What is the relevance or impact of the requirement that a parent needs leave from the Court to apply for a s.8 order
- Can the Court impose an order on a carer

## Guidance Re S

- SGO not limited to a group or type of carer
- The Court must consider the impact on the child
- Issues may arise about distortion of family relationships
- Parental conflict may be reduced by the leave requirement under the SGO
- SGO less intrusive but must be a case by case

## Future of the SGO

- Wide research as to the adequacy of assessment
- Issues as to the viability of the placement
- Issues as to the party status and representation
- Support from the LA to SGOs remains a significant issue



**Dr John Simmonds OBE**

Director of Policy, Research and Development

## **Special Guardianship**

**The key issues from the rapid evidence review**

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### **Care Proceedings – The local authority's plan for the child**

- Children Act 1989, S22C(3) sets out a hierarchy of options and requirements when deciding with whom the child should be placed
  - The parent of the child;

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## Care Proceedings – The local authority's plan for the child

- A person who is not the parent of the child but has parental responsibility;
- Where a child is in the care of the local authority and there was a Child Arrangements Order in force with respect to the child immediately before a Care Order was made, the person named in the order;

## In assessing the appropriateness of these people

- the local authority must assess whether any option:
  - a) would not be consistent with the child's welfare; or
  - b) would not be reasonably practicable.

## If these options are not feasible

- the local authority must place the child in the most appropriate placement.
  - a placement with an individual who is a relative, friend or other person connected with the child and who is also a local authority foster parent. S22C(6)(a)

## OR

- a local authority foster parent not connected to the child S22C(6)(b)
- or placement in a children's home. S22C(6)(c)

## AND

- The local authority must ensure that the placement is such that—
  - it allows C to live near C's home;
  - it does not disrupt C's education or training;
  - if C has a sibling for whom the local authority are also providing accommodation, it enables C and the sibling to live together;
  - if C is disabled, the accommodation provided is suitable to C's particular needs.

## Welfare Checklist

(1) When a court determines any question with respect to—

- (a) the upbringing of a child; or
- (b) .....,

**the child's welfare shall be the court's paramount consideration.**

## Children and Social Work Act Section 8

### Care orders: permanence provisions

- i) the impact on the child of any harm that he or she suffered or was likely to suffer;
- (ii) the current and future needs of the child;
- (iii) the way in which the long-term plan for the upbringing of the child would meet those current and future needs.

## Special Guardianship – Private Law Application

- Application made by an eligible person

- ❖ a local authority foster parent. (5)(d)

- ❖ a relative. (5)(e)

with whom the child has lived for a period **of at least one year** immediately preceding the application

- 
- (8)...the local authority must ... prepare a report for the court dealing with—
    - (a) the suitability of the applicant to be a special guardian;
    - (b) such matters (if any) as may be prescribed by the Secretary of State; and
    - (c) any other matter which the local authority consider to be relevant.

### **Special Guardianship Regulations 2005 - Schedule**

- Child – 16 items
- Child's Family – 11 items
- Wishes and Feelings of the Child – 3 items
- Prospective Special Guardian(s) – 26 items



## I Forgot?

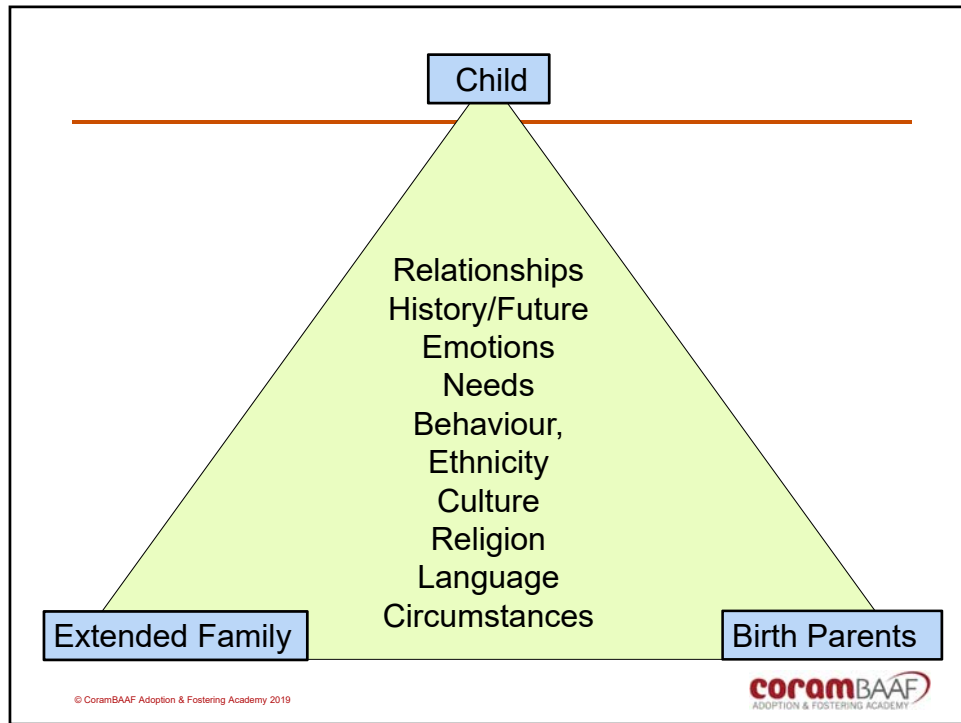
(6) The court may also make a special guardianship order with respect to a child in any family proceedings in which a question arises with respect to the welfare of the child if—

**(b) the court considers that a special guardianship order should be made even though no such application has been made.**

## Question

Why is the rigour of one pathway to the making of an Order – an application by an eligible person with one year's experience of caring for the child –

*Disregarded* when the court makes an order of its own motion?



**Answer?**

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## Working in Partnership

- **The Expert Model** – professional(s) take control of decision making with minimal meaningful involvement of the family members including the child
- **The Transplant Model** – professionals exercise control of decision making with some involvement of the family/child

*Calder, 1995*

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## Working in Partnership

- **The Consumer Model** – carers have the right to decide what the appropriate approach and plan is and exercise control over its implementation. This is likely to be most appropriate when the child is already placed and has settled.
- **Social Network/Systems Model** – Parent, carers, children and professionals create a system of formal and informal plans, arrangements and services

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## Assessing Prospective Carers

- The carer's knowledge, experience expectations and relationship with the child
- The history of that relationship
- The carer's expectations about taking on the role of becoming the primary, long term carer of the child – what does this mean to them?

*Crumbley and Little, 1997*

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## Assessing Prospective Carers

### Loss and Grief

- Interruptions in their life cycle
- Change of life plan
- Loss of time and opportunity with friends and interests
- Loss of financial security
- Loss of role – from Grandparent, Aunt, Sibling to **Parent**
- Parental relationship with their own children

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## Loss and Grief

- Degree of pain, hurt, stress and distress that results from the loss
- Previous experiences of managing loss and resolution
- Anticipated responses to loss in the future

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## Assessing Prospective Carers

- Understanding and experience of the impact of maltreatment on children
- Capacity to manage 'difficult' behavior
  - Unresponsive child
  - Angry child
  - Frightened child
  - Child with no routine

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## Assessing Prospective Carers

### ● Capacity to –

- To create a safe family home
- Show love and affection
- To create daily routines – food, health, school, play, friends and sleep
- To set appropriate limits and boundaries
- Create a life story for the child
- To maintain appropriate family relationships inside and outside of the home.
- Answer the question – ‘Who is my mummy and daddy?’

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## Assessing Prospective Carers

### ● Capacity to make or manage -

- safe and appropriate relationships with the birth parents on both sides of the family
- Effective relationships with professionals

### ● Capacity to walk the tightrope between the cliffs on either side

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## Motivating/de-Motivating factors

- A sense of family loyalty to children within the family
- Relationship with and experience/caring of the child
- Obligation and the complex feelings associated with this
- Guilt/anxiety about their parenting of their own children

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## Motivating/de-Motivating factors

- Rescuing children from abuse and/or neglect
- Feelings about professionals/services/the courts

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## Social History

- Genogram – relationships, significance, involvement, risk factors
- Significant life experiences
- Risk factors and their development over time
- Experience of services

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## Social History

- Couple relationship
- Experience of parenting children – what worked well, what didn't
- Tensions and conflict within the family – how are these managed?
- What do they anticipate into the future? 18 and beyond

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## Impact Factors

- Financial
- Housing
- Health
- Work/Employment
- Parental Leave

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## Key Factors

- Carer's Choice
- Expressed motivation to care
- Anticipated committed to care
- Identified positive parenting activities
- Identified negative parenting activities
- What help might be needed?

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## Support packages

- Entitlements - from whom, for how long and any limits or restrictions
- Service links – who to make contact with about what
- Current concerns about the child that need assessing
- Life Story Book and Life Story Work

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## Professional Factors

- 'Doing to' families does not create a helpful working relationship
- Excluding families from decision making heightens resistance and lowers motivation
- Families will not sign up to plans that they have not been a party to formulating
- Family ownership of the plan is critical
- 'Idealistic' plans prevent the delivery of 'Realistic' plans

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Centre for  
**Child & Family**  
Justice Research



# Special guardianship: priority messages from research for policy and practice

*Judith Harwin, Professor in Socio-Legal Studies  
Co-director, Centre for Child & Family Justice Research*

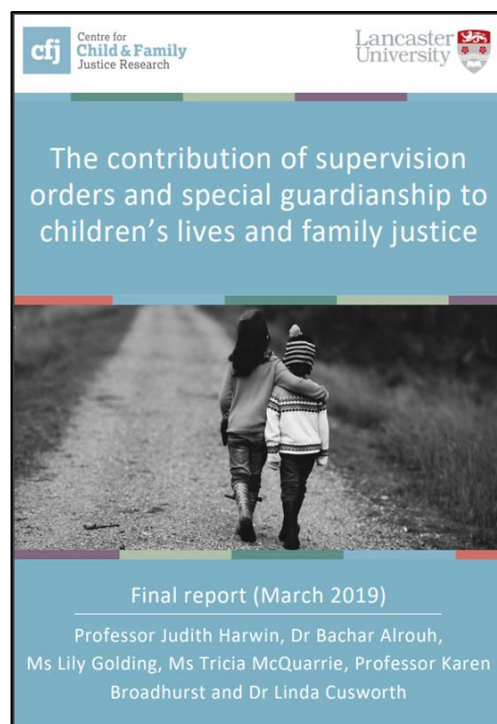
Queen Elizabeth II Centre, Coram Campus – Thursday December 5<sup>th</sup> 2019



# Aims

1. Identify key findings from the research evidence and gaps
2. Discuss their implications
3. Next steps

# The research messages are based on these sources



<https://tinyurl.com/y2jjqb8x>



<https://tinyurl.com/rgtrjhf>



<https://tinyurl.com/y564zln8>



<https://tinyurl.com/wwncln7>

# Trends in the use of special guardianship



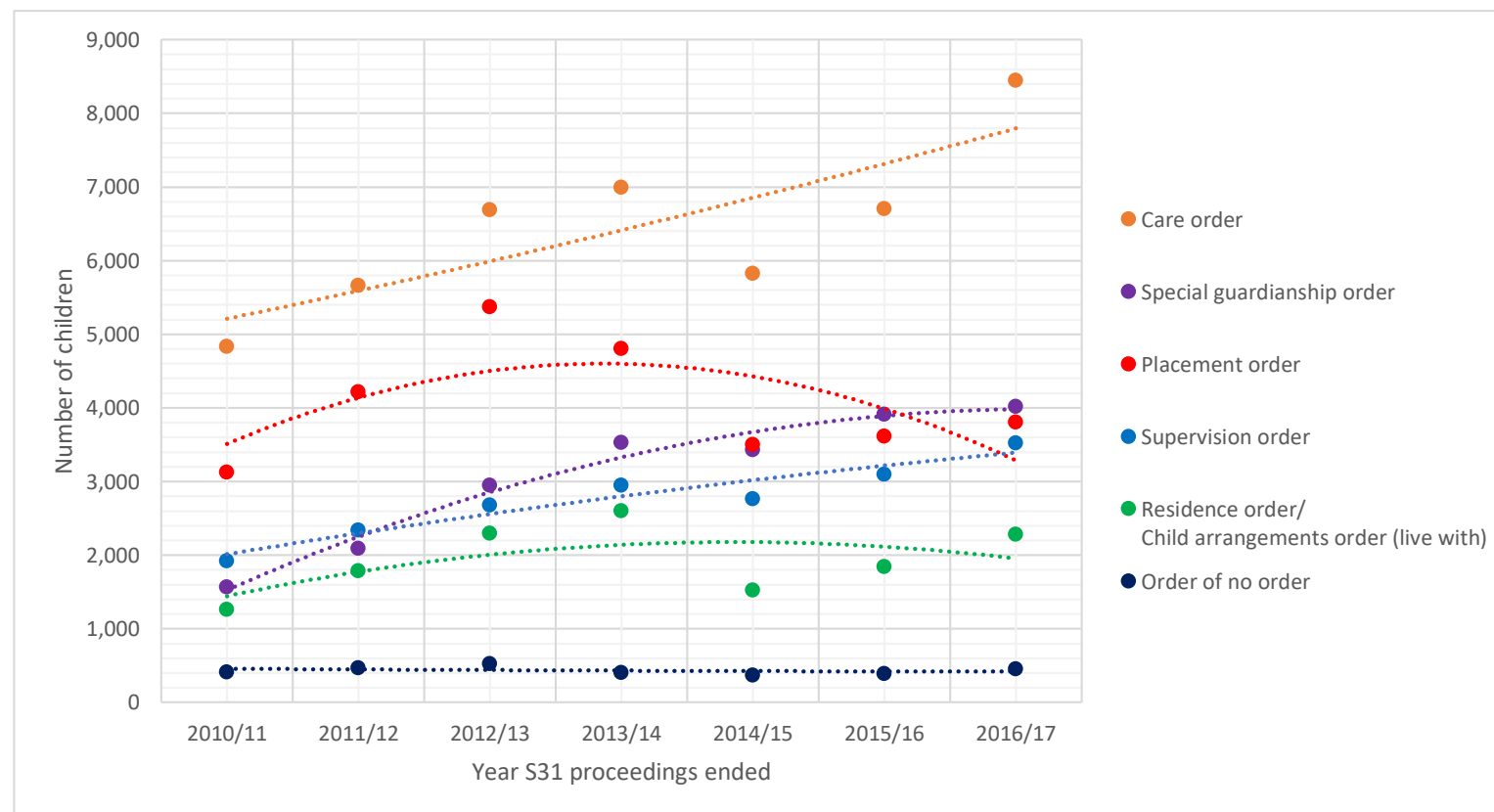


# The number of children made subject to SGOs and 5 other orders in England (2010/11 -2016/17)\*

- More than 21,000 children were subject to SGOs between 2010/11 and 2016/17
- In 2016/17 approx.4000 children were placed on SGOs compared to 3800 on placement orders

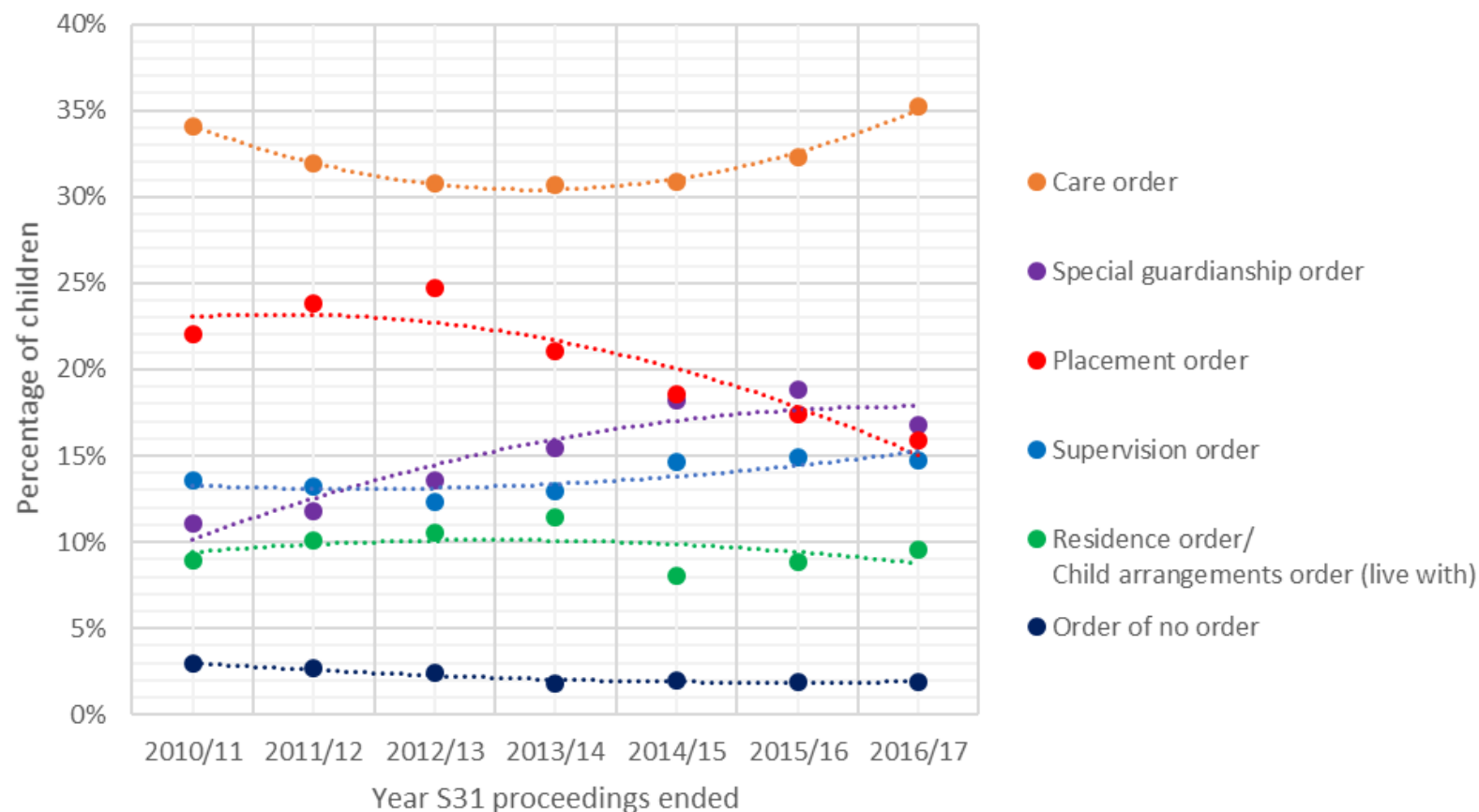
*\*Source: The contribution of supervision orders & special guardianship to children's lives and family justice.*

*Analyses based on Cafcass data*



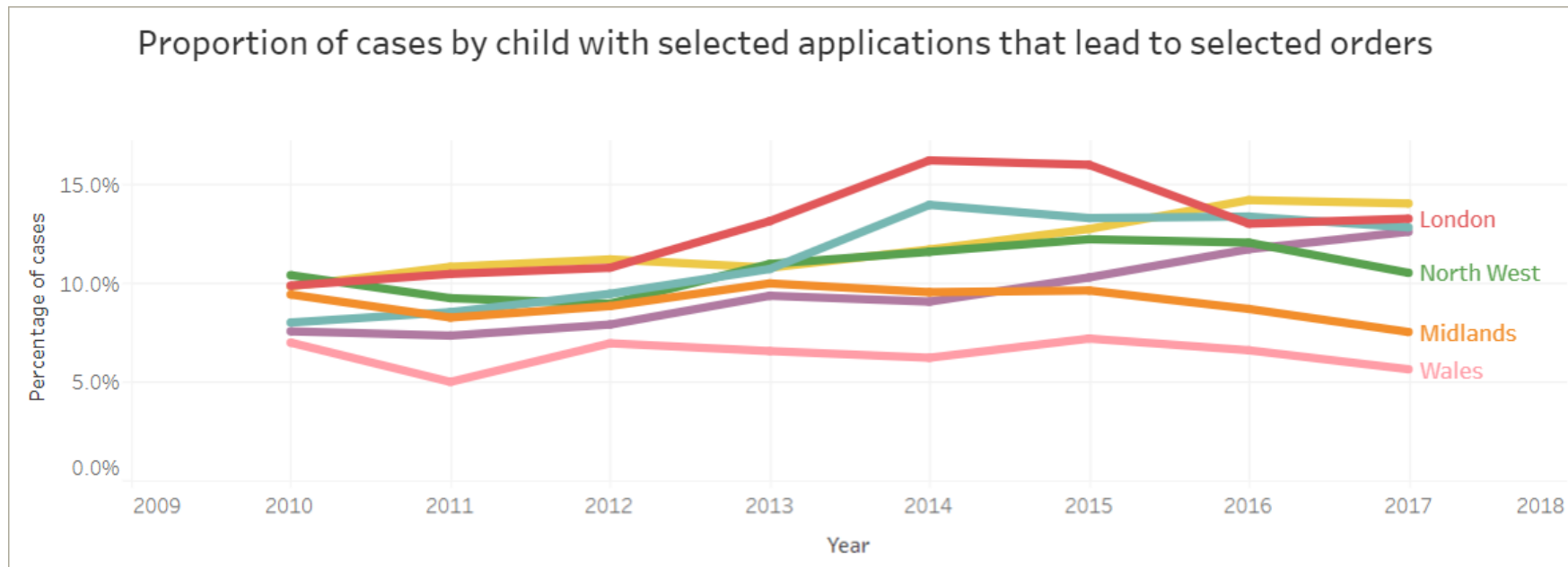
# The percentage of children placed on SGOs relative to 5 other orders (2010/11 -2016/17) in England\*

- The proportion of children placed on SGOs rose steadily between 2010/11 and 2016/17 whilst the proportion of children on placement orders fell



\*The contribution of supervision orders & special guardianship to children's lives and family justice  
Analyses based on Cafcass data

# S.31 applications resulting in an SGO over time and by region (source MoJ)



- London
- Midlands
- North East
- North West
- South East
- South West
- Wales

## Some further national trends in England (2010/11-2016/17)

- The use of supervision orders attached to SGOs grew from 18% in 2010/11 to 30% in 2016/17
- Only 1% of all children subject to an SGO had an application for this order in their s.31 proceedings. Why?
- There has been a small increase in children on SGOs returning to court for further s.31 proceedings since 2014 compared to the previous 2 years –part of a wider trend for other legal order types



# The rapid evidence review

## Research questions

1. What is the stability of Special Guardianship placements and their disruption rates?
2. What is the impact on, and experience of children who are subject to Special Guardianship Orders?
3. What is the impact on, and experience of carers who become Special Guardians?

## Methodology for literature review

- 3 robust national English mixed methods studies + PhD on grandparents' experiences
- No Welsh studies as yet
- 13 recent international systematic reviews and meta-syntheses on kinship care and foster care (2013-2019)



# How stable is special guardianship?

SGOs have a **low rate of disruption** (approx.5%)

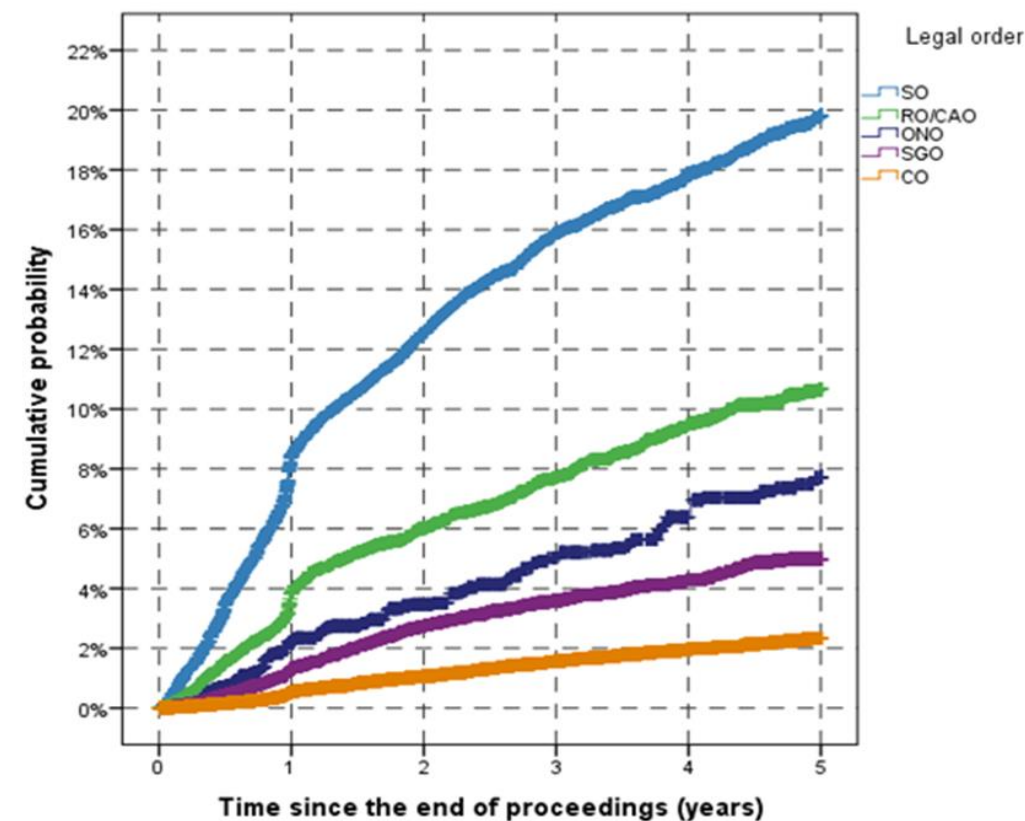
- Disruption is measured by return to local authority care & further care proceedings within 5 years of making the SGO
- Disruption rates are lower than for child arrangement orders (10-15%) but higher than for adoption (<0.7%)
  - All rates based on estimating risk of disruption within 5 years of the SGO
- Children aged five or above are more likely to have further s.31 proceedings than children below that age

SGO disruption figures may be an underestimate –

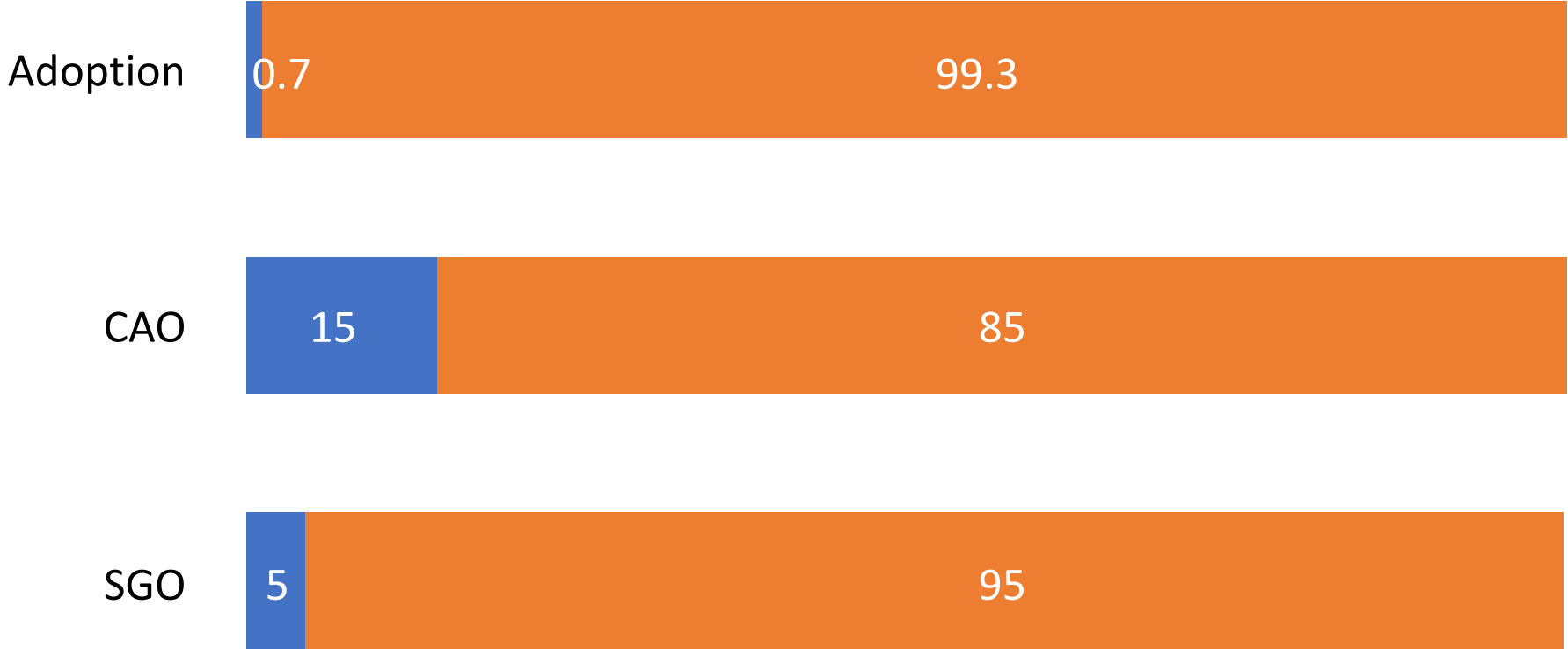
- Not possible to obtain reliable figures on moves that take place beyond the gaze of the local authority

# Return to court for further s.31 proceedings within 5 years by legal order type in England

- Children on SGOs have a low rate of return to court within 5 years after a SGO is made
- It is lower than for children with a child arrangement order or children returned to birth parents on a supervision order



# Children at risk of returning to local authority care or further care proceedings within 5 years of the making of an SGO





# Children's outcomes and experiences

- Most children fare well in relation to their safety, wellbeing and developmental progress
  - No differences in outcomes if there is an attached SO
- The evidence base is slender on children's medium and long term outcomes (education, health, wellbeing)
  - Children on SGOs have better educational outcomes at Key Stages 2 and 4 than looked after children (DfE experimental statistics) \*\*
- Very limited research on contact with birth parents & siblings and impacts on child wellbeing
- A dearth of studies on children's experiences of special guardianship

\*\*Department for Education (2019). Outcomes for children looked after by local authorities in England, 31 March 2018: additional table

## **Priority findings: (107 children from 75 birth families, placed with 77 special guardian families) & followed for up to 3 years after the SGO**

- Outcomes are positive for most children
  - But emotional and behavioural difficulties widespread at start and end
- FGCs held for only 37% of the children during the proceedings
- 31% of the children had the SGO made *before* they had lived with their special guardian- so the placement was untested
- Northern authorities were more likely to attach supervision orders to an SGO
- On-going difficulties for special guardians
  - housing and financial pressures
  - tensions between special guardians and birth parents over contact

# The impact and experiences of special guardians

- Special guardianship is a life-changing experience, bringing many rewards
- Special guardians value the legal security it confers and enhanced decision-making powers
- But they experience many stresses and strains
- They report many negative experiences with children's services and courts
- They want support plans to specify clearly provision for allowances, other financial entitlements & supports for themselves and their children
- Attitudes to seeking help vary
- Special guardians want their voice to be heard



# What special guardians told us (1)

- Special guardians were consistently negative about the local authority assessment and the court process
- They reported their experience in court was difficult and stressful
- They felt the court enquiries were intrusive and that they were misrepresented in reports
- They felt the process lacked transparency
- Many reported they did not have, or were unclear if they had party status, and the implications of becoming a special guardian
- Legal advice facilitated participation in decision-making

- National study of supervision orders and special guardianship:
- 24 special guardians from different parts of England



## What special guardians told us (2)

- Lack of or uncertainty about party status and insufficient access to legal advice had wider repercussions
  - These special guardians did not feel able to advocate for financial support or other help
- Negative experiences during assessment or proceedings discouraged special guardians from seeking help from the LA
- Views on attached supervision orders were mixed
- Contact with birth parents is an ongoing issue. Many special guardians felt ill-equipped managing contact and its impact on the child

- National study of supervision orders and special guardianship:
- 24 special guardians from different parts of England

# The international findings: kinship care v foster care

- Kinship care offers greater stability than foster care
  - the unconditional commitment of kinship carers and the child's sense of family belonging
- Mixed evidence on children's mental health
  - But most studies report that children in kinship care are more likely to report positive mental health and use fewer mental health services
- Fewer behavioural problems (aggression and conduct disorders) for children in kinship than foster care
- No differences in educational outcomes



# What kinds of service interventions might support kinship care permanency placements?

- A consistent finding- important unmet service needs and low service use among kinship caregivers and children in their care
- Interventions specific to kinship care
  - Peer-based approaches and support groups were found to be the most effective services in meeting caregivers' emotional needs
  - Insufficient evaluative evidence of efficacy of programmes specific to kinship care
  - These carers have not been singled out sufficiently as a specific target group.



# Pulling it all together: what have we learnt?





## Some conclusions from the evidence review

- Highlights the need for social workers and courts to pay particular attention to child risk factors in their assessment and support plans
- Risks can be mitigated by helping special guardians to fully understand their role via appropriate preparation, legal advice and tailor made support.
- Development of a **differentiated** approach is needed tailored to the individual needs of children, their carers and birth parents
- Most marked gaps in knowledge relate to children's developmental outcomes and experiences, and how to effectively manage contact



# Enhancing evidence based assessment and support (1)

## Factors that increase risk of return to care, further care proceedings and poor wellbeing outcomes

- Child aged 4 or over increases risk of return to LA care, court and poorer emotional & behavioural well-being
- Emotional & behavioural problems are linked to poorer wellbeing outcomes
- Placement with unrelated carers and number of moves prior to the SGO increases risk of return to LA care
- High levels of mental health difficulties with higher levels of carer strain increase risk of placements being rated to go less well by special guardians
- Housing, financial and contact difficulties increase carer strain
- Poor integration into the family



## Enhancing evidence based assessment and support (2)

### Factors that decrease risk of return to care, further s.31 proceedings & poor wellbeing outcomes

- Child aged under 4 at time of placement
- Fewer emotional and behavioural difficulties
- Greater integration of child into family
- Good support from the special guardian's family
- Strong pre-existing relationship with the carer before the SGO is made
- Special guardian feels well prepared for their role
- Contact with birth parents is safe, positive and supportive

# Are special guardians being treated fairly?

- Benefits and supports
- Access to justice
- How far should family be treated the same as adopters and foster carers?



# Where do we go from here?

## Unresolved issues

- Party status
- Extending care proceedings beyond 26 weeks v care orders
- Establishing hidden movement
- Can support plans help support long-term permanency
- Legal aid
- Housing policies





## Conclusions

- The review has established consistent evidence with many very similar messages
- Many messages are not new
- The practice reform agenda is very large –e.g.
  - Family group conferences
  - Use of supervision orders and long term support plans
  - Assessments and tailor made support
  - Improving the experience in court
- For authoritative guidance to continue to develop research gaps must be filled
- We are at a crossroads!

## Main research studies used in the research review

Harwin, J., Alrouh, B., Golding, L., McQuarrie, T., Broadhurst, K. and Cusworth, L. (2019). The contribution of supervision orders and special guardianship to children's lives and family justice. London: Nuffield Foundation <https://tinyurl.com/SGOReport>

McGrath, P. (forthcoming). 'Grandparents' experiences of being a special guardian: an interpretative phenomenological analysis'. Interim research briefing.

Selwyn, J., Wijedasa, D. and Meakings, S. (2014). Beyond the Adoption Order: challenges, interventions and adoption disruption. London: Department for Education, <https://tinyurl.com/r9q2pvu>

Wade, J., Dixon, J. and Richards, A. (2010). Special Guardianship in Practice. London: BAAF.

Wade, J., Sinclair, I.A.C., Stuttard, L. and Simmonds, J. (2014). Investigating Special Guardianship: experiences, challenges and outcomes. London: Department for Education, <https://tinyurl.com/vu83jgb>





## Further information

The Centre for Child and Family Justice website:

<https://www.cfj-lancaster.org.uk/>

For information on our wide range of projects <https://www.cfj-lancaster.org.uk/projects>

The contribution of supervision orders and special guardianship to children's outcomes and family justice: full report: [Harwin et al 2019 Supervision Order and SGO report full](#)

Care Demand and Regional Variability in England: 2010/11 to 2016/17:

<http://tiny.cc/caredemand>

<https://www.cfj-lancaster.org.uk/projects/fdac>

Email: *j.e.harwin@lancaster.ac.uk*



The highs and lows of special guardianship orders:

## **What is the current picture, and what needs to change?**

Cathy Ashley and Jessica Johnston  
Family Rights Group



### **Family Rights Group**

- Our overall objective is to enable children to live safely within their family network where possible, and to strengthen the positive family and community support networks of young people who cannot live with their parents.



## History of Family Rights Group

- Set up by social workers and lawyers in 1974
- Introduced family group conferences into UK in 1990s and in 2017 designed the Lifelong Links model
- Impact on policy and legislation, including:
  - Influenced the Children Act 1989
  - 2010 – SGO, RO, CAO allowances discounted as income from council tax & housing benefit
  - 2012 LASPO - protected legal aid for kinship carers in some situations
  - Welfare Reform Act 2016 – children in kinship care exempt from 2 child limit for child tax credit
- Development of key practice resources e.g. initial family and friends care assessment: good practice guide



## Family Rights Group

- **Advice service:**
  - Free, confidential legal and child welfare practice telephone advice service for parents and wider family including prospective special guardians: 0808 801 0366
  - Extensive information and advice sheets via website [www.frg.org.uk](http://www.frg.org.uk) – including advice sheets and frequently asked questions, as well as moderated online discussion boards for parents and family and friends carers
  - Films of child protection conference & FGC
  - Online publications e.g. for sibling carers, engaging with fathers
- **Parents' panel and kinship carers' panel**



## Family Rights Group

### • Action research projects:

- Including young parents' project, section 20 Knowledge Inquiry

### • Policy and lobbying:

- Kinship Care Alliance
- Cross Party Parliamentary Taskforce on kinship care
- President's Public Law Working Group
- Care Crisis Review:
  - The context in which families are experiencing local authority children's services
  - Concluded that there is currently a significant untapped resources that exists for some children in and on the edge of care – their wider family



## Challenges facing special guardians – case study examples



## Special guardianship: top tips

- Raising awareness of the issues facing special guardians: General Election 2019 - Kinship Care Agenda for Action E Campaign – write to your Parliamentary Candidates - <https://www.frg.org.uk/involving-families/family-and-friends-carers/kinship-care-alliance/kinship-care-agenda-for-action-e-campaign-2019>
- Family group conferences
- Initial family and friends care: good practice guide
- Family and friends care policies



## Special guardianship: top tips

- Legal advice and representation for families
- Financial and employment support
- Welfare benefits
- Housing
- Contact/relationships



## Special guardianship: top tips

- Preparation and training for special guardians
- Immigration issues
- Post-order support
- Adoption support fund
- Families' Voices



## Initial Family and Friends Care Assessment: A good practice guide

[www.frg.org.uk/involving-families/family-and-friends-carers/assessment-tool](http://www.frg.org.uk/involving-families/family-and-friends-carers/assessment-tool)



## National policy recommendations

- Kinship Care Bill - to ensure that potential special guardians are **identified early**, the Bill would:
  - Place a new legal duty on local authorities, to explore and assess family members and friends before a child becomes looked after, unless there is an emergency. Such a duty should explicitly acknowledge that family members abroad need to be considered.
  - Place a legal duty on local authorities to offer an FGC before a child enters the care system (except in emergency cases)
  - Place a new duty on local authorities to establish and commission specific kinship care support services



## National policy recommendations

- The Bill would also propose that Government introduce:
  - A right to a period of paid employment leave for kinship carers who are permanently raising children, akin to adoption leave
  - Special guardians should be exempt from the benefit cap, the bedroom tax and benefit sanctions
  - A national financial allowance for kinship carers who are raising children who would otherwise be in the care system – this would be linked to need, rather than legal status or order



## National policy recommendations

- Legal advice and representation:
  - Expand the scope of legal aid in the pre-proceedings stage, and where care proceedings have been issued, to family & friends who are considering, or have taken on the care of a child where there is court, local authority or professional evidence that the child cannot live with their parents. This should be non-means tested.
  - Family Rights Group's free legal advice service for families – a government commitment to funding sufficient to meet demand.



## National policy recommendations

- Access to Adoption Support Fund should not depend on whether the child was previously looked after, and needs sufficient funding.
- Amendments to Regulations 3 of the Special Guardianship Regulations 2005 to expand training so that this is not linked solely to a child's "special needs".



## Care Crisis Review

- Pre-proceedings practice – amendments to existing guidance, informed by a working group of legal and social work practitioners and families.
- 26 weeks as a performance target – greater attention should be paid to longer-term outcomes.
- Family Justice Boards – role and purpose reviewed with particular emphasis on local practice.
- Government funding to make up 2 billion shortfall in resources predicted for children's social care.
- Ring-fenced funding stream – for local plans to safely avert children having to enter or remain in care and post-removal support for parents.





Family Rights Group works with parents in England and Wales whose children are in need, at risk or are in the care system and with members of the wider family who are raising children unable to remain at home.

We champion policies and practices that keep children safe within their family and strengthen the family and community support networks of children in the care system.

# Special Guardianship

## Top tips for social workers

This leaflet provides top tips to assist social workers when they are working with relatives or friends who are being assessed to become a special guardian, or who have secured a special guardianship order for a child, or who may consider becoming a special guardian for a child in the future.

It also provides a checklist for senior children's services managers to consider what policies, services and procedures need to be in place to support effective social work practice.



[www.frg.org.uk](http://www.frg.org.uk)

Please visit [www.frg.org.uk](http://www.frg.org.uk) to find detailed legal information and advice including FAQs, advice sheets and much more.

You can also:

- Sign up to FRG's newsletter or become an FRG supporter.
- Contact Angharad Davies [adavies@frg.org.uk](mailto:adavies@frg.org.uk) (FRG Social Work Adviser), to discuss setting up forums where special guardians can help inform your local authority's policies and practice.

You can also contact us for your local authority to:

- become a member of the Kinship Care Alliance, <http://bit.ly/frg-kca>
- join the national FGC Network and apply for FGC service accreditation.
- commission us to provide training and consultancy support.

## Family Group Conferences



A family group conference (FGC) is a voluntary process led by family members to plan and make decisions for a child who may be at risk. Families, including extended family members and the child (subject to their age and understanding and usually supported by an advocate) are assisted by an independent family group conference coordinator to prepare for the meeting.

*FGCs can help wider family members and friends to understand the local authority's concerns about a child. They enable family and friends to consider ways they can support the child to remain safely with their parents and make contingency plans for alternative care within the family if the child is unable to remain at home.*



Does your local authority have a family group conference service? For more information see: <http://bit.ly/frg-fgc>



Have the family been offered an FGC and, if so, at what stage? Could the offer of a subsequent FGC assist the child? The local authority should be particularly alert to the need to engage with the child's wider family when contemplating court proceedings. Has the local authority implemented the family plan arising out of the FGC, including assessing relevant wider family members as potential carers?



Does your local authority provide clear information during an FGC about what support is available to family and friends carers and the implications of different legal routes?

# Initial Family & Friends Care Assessment: A good practice guide



*The good practice guide was developed by FRG in partnership with an expert working group. It aims to provide social workers with a clear framework for undertaking initial (also known as viability) assessments of family and friends to determine if they are a potentially realistic option to care for the child. The guide enables practitioners to demonstrate with confidence to a child, family members, professionals and the judiciary that potentially realistic options for a child to be raised within their family network have been fully and fairly explored. The guide has been endorsed by: Association of Directors of Children's Services, the Family Justice Council, Cafcass and other key organisations.*

- ☐ Do you and your local authority use the initial family and friends care assessment good practice guide, including the example template, when conducting viability assessments? The guide also addresses exploring and assessing potential carers living overseas.
- ☐ Next stages, which could involve a full assessment (fostering or special guardianship, dependent upon the child's situation) should draw upon the principles set out in the good practice guide.
- ☐ Does your local authority's assessment process involve discussing with the prospective special guardian the child's views, needs and experiences, including any disabilities, health, emotional or educational needs? Does this include consideration of how this may impact upon the child's future development? Does this include discussions with the prospective special guardian about what support therefore needs to be in place or available, and is this written into the child's special guardianship support plan?

**The guide can be downloaded at <http://bit.ly/frg-gpg>**

## Family & friends care policies



*Since 2011, statutory guidance has required that all English local authorities have a published up-to-date local family and friends care policy, setting out its approach towards promoting and supporting the needs of children living with family and friends carers. The policy should be drawn up with family and friends care households. Each authority must also identify a designated lead with responsibility for overseeing this area of child welfare.*

- ☐ Does your authority have an up-to-date family and friends care policy, informed by family and friends care households, that guides what support is available to children and special guardians and helps them understand what services may be available locally?
- ☐ Is this policy underpinned by the principle that support should be based on the needs of the child rather than purely their legal status, and that no child should become or remain looked after, due to a lack of support?
- ☐ Does your policy make clear who holds management responsibility for implementing and publishing the policy and give their contact details? Is the policy regularly reviewed and updated?
- ☐ Does your policy contain clear information about complaints, to make it clear that children and young people, their parents, and family and friends carers may complain about their experience including inadequacy of support. Does your policy give information about how to do so?
- ☐ Transparency about your local authority's support is key: have you provided the family you are assessing or working with, with a copy of the policy?
- ☐ Does your policy address support for young people in higher and further education or apprenticeships?
- ☐ What work has been undertaken with partner agencies (including Job Centre Plus, health services, schools, etc.) to increase awareness and understanding of family and friends care, including special guardianship?

## Legal advice for families



*Three-quarters of family and friends carers who responded to FRG's September 2019<sup>1</sup> report said they felt that they did not have enough information about legal options, to make an informed decision, when they took on the care of the child. It is essential that families who may consider becoming a special guardian are assisted to access independent legal advice, and are supported by the local authority to understand their legal rights and options when taking on the care of a child.*

<sup>1</sup> The highs and lows of kinship care: analysis of a comprehensive survey of kinship carers

- ☐ Does your local authority have a written policy about how prospective special guardians access legal advice, including how this will be funded? This policy should be provided to all prospective special guardians at the outset of the assessment process.
- ☐ If you do not have a written policy, can you identify to prospective special guardians the guidelines you use in determining whether to pay for their independent legal advice or representation? These guidelines should be confirmed in writing to all prospective special guardians at the outset of the assessment process.
- ☐ Do you always fund the prospective special guardian to get initial legal advice, and also follow up advice and representation in proceedings, if that is deemed necessary by the solicitor? Does your offer include the cost of any court fees or other disbursements that may be incurred by the prospective special guardian in the course of court proceedings?
- ☐ Has a discussion taken place with prospective special guardian about disclosure of court papers and being party to proceedings?
- ☐ Have you signposted prospective special guardians to Family Rights Group's specialist legal advice service? Prospective special guardians can find detailed legal advice sheets on special guardianship and applying for a special guardianship order: <http://bit.ly/frg-help>. Families (both parents whose children may be subject to a special guardianship order, and prospective special guardians) can also be directed to the charity's advice line (0808 801 0366), or the respective parents' or family and friends' care online discussion boards.

## Financial & employment support



- ☐ Is your financial policy for special guardians set out in your local authority family and friends care policy?
- ☐ Have you assessed the special guardian for financial support? In your calculation of ongoing special guardianship financial support, have you had regard to the fostering allowance that would have been paid if the child was fostered?
- ☐ Have you met with the prospective special guardians to discuss financial support? Does it address the child's ongoing needs to adulthood? Have you confirmed your local authority's offer in writing and does it form part of the SGO support plan?
- ☐ What support does your local authority offer special guardians to enable them to continue in work e.g. with childcare, after school clubs etc.?

## Welfare benefits



- ☐ Is there a local advice service or specialist worker with the expertise and capacity to explain to potential special guardians what benefits, disregards etc. they may be able to claim?
- ☐ Special guardians who take on the care of a child in their family network are not subject to the two-child tax credit limit in relation to those children – have you made sure the family are aware of this entitlement?
- ☐ Does your local policy signpost to local and national sources of information and advice, such as benefits advice services?

## Housing



- ☐ Does your local family and friends care policy support special guardians to meet their housing needs, by providing support for priority moves where appropriate, protocols for partnership with housing, and an offer of financial support for housing costs which may arise from the child moving to live with the special guardian?

## Immigration status

- ☐ Is the child's immigration status secure?
- ☐ Does the child have a passport?
- ☐ Has EU settled status been applied for, where relevant?



## Contact

- ☐ Have discussions taken place with the parents, child and potential special guardians as what support the local authority will provide in relation to supporting contact, including with any siblings of the child, prior to and once the special guardianship order is made? Has support for arrangements been written into the child's special guardianship support plan?
- ☐ Have you made information available to the family about local contact centres and family mediation services, and how to make use of their services?



## Preparation & support for special guardians & the children they are raising

- ☐ What preparation and training do you offer prospective special guardians?
- ☐ What support groups are available for special guardians in your area? And are there groups for the children they are raising?
- ☐ Are there any support groups or services for parents whose children are subject to special guardianship orders?
- ☐ Does your policy contain information about what resources are available to support children in the local area, including information about universal services such as early year's provision, day care and out of school services, schools and colleges, health services, leisure facilities and youth support services? What specialist child mental health provision and special education needs services are available? Have you discussed this with the family?
- ☐ Has the assessment of the child and the prospective special guardian, identified tailored support services that are needed for the child to thrive with their carer? Is this reflected in the special guardianship support plan?



## Post-order support



- ☐ Will the family be able to access support following the making of the order from a family and friends care team or worker? Is it clear how they will get hold of the team? Is this just during working hours or also out of hours? Does this support include independent legal advice and other help where the parent is challenging the order or an aspect of the child's care?
- ☐ If the child was looked after, and is now under a special guardianship order, are their carers aware of the following entitlements<sup>1</sup>:
  - Priority school admissions
  - Pupil Premium Plus
  - Free childcare for 2 year olds
  - A designated member of school staff to promote their educational achievement.
- ☐ If the child was previously looked after, and is now under a special guardianship order, is the family aware of the **Adoption Support Fund (ASF) as a means of securing therapeutic support?**
  - Who in your authority has responsibilities for assessing and submitting applications to the ASF on behalf of the child?
  - For more information about the ASF see: <http://bit.ly/frg-asf>

<sup>1</sup> Please note that these provisions apply only in England

## Families' Voices



- ☐ Has your local authority adopted the Mutual Expectations Charter? This Charter aims to promote effective, mutually respectful partnership working between practitioners and families when children are subject to statutory intervention. For more information see: <http://bit.ly/frg-mec>
- ☐ Are special guardians involved in influencing policies, service design and decision making at a strategic level in your local authority, including your family and friends care policy?



@FamilyRightsGP



Family Rights Group



**FAMILY RIGHTS GROUP**  
Keeping children safe in their families





## An end to the 'dump and run' approach: developing support for special guardianship families

Lucy Peake  
Chief Executive, Grandparents Plus  
[lucy.peake@grandparentsplus.org.uk](mailto:lucy.peake@grandparentsplus.org.uk)

1

**Grandparents Plus is the only national kinship care charity in England and Wales dedicated solely to supporting all kinship carers**



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## Definition of kinship care

“Kinship care is the care, nurturing and protection of children who are separated from their parents or whose parents are unable to provide that care and support. Instead, this care is provided by grandparents, siblings, aunts, uncles or other relatives, godparents, step-grandparents, or other adults who have a relationship with or connection to the child. This may be a permanent, temporary, formal or informal arrangement.”

(Doug Lawson and Jo Raine, The Kinship Care Guide for England, third edition, Grandparents Plus, 2018)



**200,000** children estimated to be in kinship care in the UK (Bristol Kinship Study)

3

## We want to transform support for kinship families by:

- Raising **awareness**
- Influencing policy and practice **change**
- Developing **support** for every family



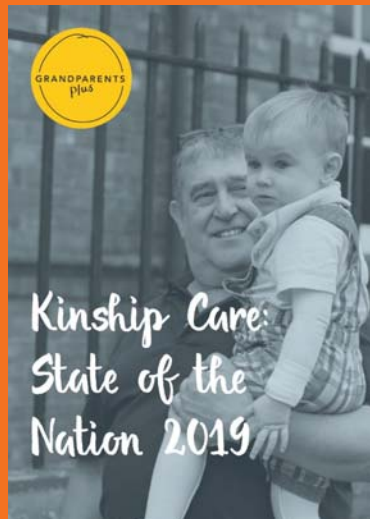
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## Statutory Guidance for Local Authorities on Family and Friends Care (2011)

'...children and young people who are unable to live with their parents should receive the support that they and their carers need to safeguard and promote their welfare whether or not they are looked after (have been in the care of their local authority for more than 24 hours).'



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The largest  
annual survey of  
kinship carers in  
England and  
Wales



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## Survey results

**2019**

**1,139** responses

### Legal order:

- 40% SGO
- 25% Residence Order
- 15% Care Order
- 12% CAO
- 10% no legal order
- others unsure

**75%** asked to look after a child (in 79% of cases by a social worker)

**30%** of children had been in care



In **83%** of cases Children's Services had been involved with the child's family

**53%** of carers took the child with no notice, in a crisis situation

**84%** didn't get the information and advice they need

**95%** had no preparation training

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## Survey results 2018

**1,139** responses

### Legal order:

- 57% SGO
- 16% Residence Order
- 10% Care Order
- 5% CAO
- 9% no legal order
- others unsure

**36%** struggle financially (despite 66% getting a financial allowance)

**11%** get the emotional



**26%** say their physical health has been worse

**11%** get the information they need from their local authority

**52%** say their mental health has been worse since being a carer

**32%** are worried about their mental and physical health, and their ability to carry out<sup>8</sup> their role



**only 1 in 10**

**carers are getting the support they need to bring up the children they've stepped in to raise.**

Grandparents Plus 2017

'Once the child is no longer under a local authority care order, unless you fight for help, finance or information, you and the child don't exist.' - kinship carer, 2018

'We are the forgotten. Once you get the orders nobody is interested.' - kinship carer, 2018

'I can't give these children what foster carers can.' - kinship carer, BBC World at One, October 2019



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'If adoption support is like a Rolls Royce, SGO support is like a pair of roller skates.'

'We have to end the dump and run approach'

Social workers at the Kinship Care professionals Group meeting with MPs on the Kinship Care Parliamentary Taskforce 2019



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'There is a serious inadequacy of financial, professional and other support [for kinship carers] in stark comparison to support available to foster carers and adoptive parents.'

'Kinship carers could be forgiven for feeling exploited.'

Sir James Munby, BBC World at One, October 2019



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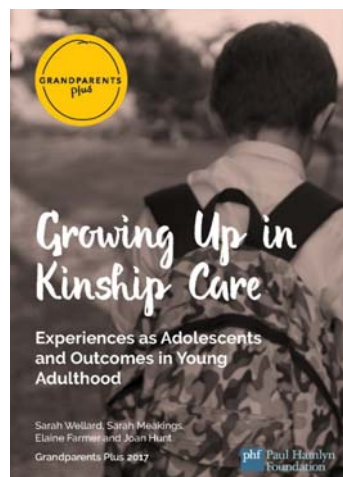
'The Government says kinship carers are doing "an excellent job", that they're eligible for "exactly the same benefits as birth parents."

BBC World at One, October 2019, Sky News, October 2019



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## Benefits of kinship care



Led by Professor Elaine Farmer, this is the first study on the outcomes in early adulthood of children brought up in kinship care.



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## **Outcomes generally better for young people in kinship care than in care**

### **Continuity**

- Prior relationship with carer reduced disruption of move into kinship care and contributed to placement stability
- Two-thirds went into kinship care with at least one sibling
- Relationships with wider family ongoing

### **Stability**

- Three-quarters lived continuously with their carer until independence

### **Close relationships with carers**

- YP felt close to carers and could confide in them



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## **Solutions: Kinship Connected kinship carer support programme**

2012 pilot in Tyne & Wear

2013-2017 scale up in NE

2017-2018 London demonstration with 6 boroughs in North London Adoption & Fostering Consortium

2018 onwards commissioning:

- NE
- 8 London boroughs
- 5 West Yorkshire local authorities
- Milton Keynes
- Nesta supporting social action approach



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## Kinship Connected

Intensive 1:1 support from project worker

Local

Support group development

Specialist advice

National

'Someone Like Me' peer support

Intensive one-to-one support to 1,614 kinship carers since 2013

Worked with kinship carers to develop 56 peer support groups - many sustainable and kinship carer led

Delivered across 27 local authorities to date



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## Bromley

*Numbers of children in care increased by 4% in Bromley. We need a radical approach. That means investing in support for special guardians who frequently prevent children from entering the care system. Kinship Connected is a solution. I'd seen its impact in Hackney where I'd worked previously.*

*One of the first things I did when I moved to Bromley was to commission Kinship Connected. It's part of our strategy to ensure that our vulnerable children are supported when they are removed from parents, whether they are placed with kinship carers or foster carers. Grandparents Plus is a key partner in Bromley, which reflects Bromley's commitment to improving support for special guardians.'*



Vicky West – Head of Service, Fostering, Connected Persons and Children with Disabilities, Bromley

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## Kinship Connected impact

**100%** of special guardians rated the quality of the support they receive good or excellent

**Data indicates positive impact** on special guardian wellbeing and other factors, such as:

- Increased positivity regarding **children's health & wellbeing**
- More able to deal with the **children's behaviour**



- Improved **family relationships**
- Reduced **financial concerns**
- Reduced **isolation**
- Feeling more **supported and confident in caring role** and more **optimistic** about the future

*Evaluation based on Warwick and Edinburgh Mental Wellbeing Scale (Starks Consulting & Ecorps, 2019)*

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## Impact for local authorities

**Improved kinship carer confidence, engagement and trust in local authority:**

improves relationships, increases uptake of training, requests for support

**Crisis prevention:**

reduces need for costly intervention / children entering care



**Cost savings:**

estimated cost saving of **£ 1¼ m** in local authority budgets across north east 2014-17 – reduced number of children on child protection plans and children in need plans

**Social action**

**approach: 91%** want to join a peer support group; delivers impact and reduces reliance

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**'The model works.** Not only does it provide the much-needed one-to-one advice and support to kinship carers, it improves kinship carers' social networking opportunities and peer-to-peer support. **This is a vital form of support for a very vulnerable group of people** who often receive very little practical or financial support from social services'. - Starks Consulting 2018

There's a big gap within the local authority in terms of support for kinship carers. **This programme is a lifeline.**' - Local authority commissioning service



Spring 2020 - results of evaluation including control group due (Starks Consulting/Ecorys)

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## Other Grandparents Plus services supporting kinship carers...



2  
2

# Kinship Ready

## The problem

- 53% of kinship carers took on the role in a crisis situation
- 95% didn't attend a preparatory class or meeting

Run in collaboration with local authorities, **Kinship Ready provides** preparatory workshops for special guardians who've had initial viability assessment for special guardianship. It's an opportunity for them to think about what the role entails, become better prepared and meet other potential kinship carers in their area.



Source: Kinship care survey 2019 – Grandparents Plus <sup>23</sup>

# Kinship Active – in the North East

## The problem

- 90% adults in Middlesbrough are physically inactive and one-quarter are obese
- 24% and 22.5% of children in Year 6 are obese in Middlesbrough and Redcar & Cleveland respectively\*
- 81% of the kinship carers Grandparents Plus supported in Teesside 2017/18 reported a disability or long-term health condition

**Kinship Active** is a physical activity programme helping kinship families stay active together whilst having fun, creating closer bonds and improving everyone's physical and emotional health. Families are encouraged to take part in fun activities with their children in their local area, and complete a progress passport to keep them on track.



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\*Public Health England, 2017

# Advice Service

## The problem

- 84% of kinship carers didn't get the advice and information they needed when the child moved in and 72% still don't get what they need now

Our **Advice Service** gives expert information and guidance on the issues that matter most to kinship carers including: rights, benefits, employment, housing, education, social care, grant applications and emotional support. Available on our website, email or over the phone, we're helping new and experienced kinship carers understand their choices, build confidence and make positive decisions for the whole family.



Source: Kinship care survey 2019 – Grandparents Plus

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## Reasons to be hopeful?

### Kinship care awareness

- Kinship carer networks
- Media profile
- Kinship Care Week

### Addressing the information and advice gap

- Digital information hub

### Support for all kinship families, based on need

- Evidence based solutions – pioneering LAs commissioning

### Influencing policy

- ASGLB
- Kinship care aware policy making
- Parliamentary taskforce
- Kinship Care Act



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## Raising awareness



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## Raising awareness



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## Raising awareness



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## Raising awareness



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## Influencing policy



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Learn more at our **FREE** event:

## Supporting special guardians and other kinship carers

A practical knowledge exchange event for social  
workers and practitioners working with kinship carers

**22 January 2020, 10am to 4pm**

**Nesta, 58VE, London, EC4Y 0DS**

**Topics include:**

- Financial support
- Relationships and family contact
- Adoption Support Fund
- Education
- Best practice examples

**Speakers include:**

- Michael King, Local Government and Social Care Ombudsman
- Sally Kelly, virtual school head
- Vas Patel, Care and Permanence Team, Department for Education
- Dr. John Simmonds OBE, CoramBAAF
- Professor Judith Harwin, Lancaster University

**Book at: [www.grandparentsplus.org.uk/events](http://www.grandparentsplus.org.uk/events)**



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# Let's transform support for kinship families together

Join our Kinship Care Professionals Network

**[grandparentsplus.org.uk/professionalsnetwork](https://grandparentsplus.org.uk/professionalsnetwork)**

Or contact:



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