



Special Guardianship Assessments



Walsall Council

Introduction

When parents have difficulties at home their child may need to be cared for by someone else. Sometimes parents may be able to organise this themselves, through private family arrangements with family members or family friends.



If a social worker is concerned for the safety of the child they may go to court to seek a legal order to protect the child. The court may decide that the child should be with a family member or friend and often asks the Local Authority to assess the family member to ensure they are suitable.

These arrangements are often called “kinship care.”

Kinship Arrangements

Kinship care is the most common arrangement for children who don't live with their parents in the UK (Kinship, 2021). There are different terms used to describe kinship care; such as connected persons care or family and friends care.



Kinship care can come in a variety of forms, sometimes this is an informal arrangement that the parent will arrange with family and friends and there is no formal or legal order.

More formal care arrangements include legal orders such as a Child Arrangements Order, Special Guardianship Order or a Care Order with a fostering arrangement. It is important you talk to your Assessing Social Worker about the different orders available and the different support they provide during your assessment process.

Special Guardianship Order

A Special Guardianship Order provides carers with overriding Parental Responsibility for a child until they are 18 years old. The carer should be someone who is connected to the child and has a pre-existing relationship with them. Special Guardianship Orders are intended to be permanent orders and therefore the plan would be for the child to remain in your care until they become an adult.

Viability Assessment

Before a full assessment is completed, the Children's Social Worker will complete a shorter assessment with you called a Viability Assessment. This will explore your understanding of the safeguarding concerns for the child and your understanding of the caring commitment. It will also cover some background information to ensure that you are suitable to be a Special Guardian. If this assessment is positive you will progress to a full assessment.

We have a separate leaflet which explains about viability assessments in more detail.



Assessment Process

A full assessment will be completed by an Assessing Social Worker from the Connected Persons Team or your supervising social worker if you have one. The assessment process will take around 12 weeks.

You will be expected to be available for 8 to 10 home visits with the Assessing Social Worker during this 12 week period. You may also be asked to complete some training during this time to prepare you for becoming a Special Guardian.

There will be a range of checks and references completed during this time. Everyone in your household will need to be involved in the assessment and have checks completed.

Checks

To become a Special Guardian there are a range of checks that must be completed:

- A DBS check for adults in your household
- A medical completed with your GP
- 2 personal references for each adult being assessed
- References from your ex-partners
- Employment references
- References from your children, if they are adults
- Direct work with your children, if they are children
- School references for any children in your care
- Health checks for any children in your care
- Checks with Local Authorities where you live and have previously lived



What will I be asked?

This may depend on your specific circumstances and the information received through the checks and references. However during all assessments you will be asked about:

- your childhood and family history
- your education and employment history
- your previous relationships
- your support network
- your experience of caring for children
- your understanding of any safeguarding concerns the Local Authority have
- your ability to meet the child's needs

Assessment Outcome

When the assessment is completed your Assessing Social Worker will provide you with a copy and you will have an opportunity to add your comments and response.

If you agree, your assessment will then be filed with court. This means that the Judge, Children's Guardian and parents of the child will all receive a copy. You may wish parts of the assessment to remain anonymous, you will need to discuss this with your Assessing Social Worker. This will allow the judge to make a decision about where the child should live and under what legal arrangement.

The Children's Social Worker will make a recommendation for the child's care plan based on your assessment and the assessment of anyone else involved in the care proceedings, such as parents. The judge will review all of this information and make a final decision about what is best for the child.



Support Plan

As part of the assessment the Local Authority will also complete a support plan to detail what support they will provide to you after the order is made. This should include support for the child in education and how to access any therapeutic support for the child. It will also include what financial support the Local Authority will provide to you, as the carer, and any training or support you will be entitled to.

The plan will also detail all of the arrangements for family time, such as how often the child will see their parents and what this will look like.

Legal Advice

Once your assessment is completed and you have a copy of the proposed support plan we always recommend you seek independent legal advice. We suggest you provide the solicitor with a copy of the assessment and support plan so they can fully advise you. The Children's Social Worker can request funding for you to access this.



Withdrawal Process and Complaints

During the assessment process you may decide that special guardianship is not the best route for you. This can be a very emotional time and a difficult decision to make. At any time you can withdraw from the assessment process. All we ask is that you inform us of your decision in writing.

You may complete the assessment process and disagree with the outcome of the assessment, at this point you can follow the Local Authority complaints process and contact the Connected Persons Team Manager.



Important Information



Children's Social Worker

Name:

Contact details:

Assessing Social Worker

Name:

Contact details:

Assessing Social Worker's Manager

Name:

Contact details:

Date of Assessment to be filed with court:

Glossary

Assessing Social Worker

The social worker who will be completing your assessment with you.

Children's Social Worker

The social worker responsible for the children.

Child Arrangement Order

A legal order which can decide about where a child should live and give the adults they live with Parental Responsibility for the child, equal to the Parental Responsibility the child's parents have. It can also decide who and how often a child should see other people.

Care Order

A legal order which provides the Local Authority with Parenting Responsibility for a child, a full care order is in place until the child is 18 years old. An Interim Care Order lasts for 8 weeks and can be extended for a further 28 days and can keep being extended until the judge decides on the final care plan for the child.

child in Care

Previously known as 'Looked after child'. This is when a child is being cared for by someone else other than their parents. Either the parents have agreed under section 20 or the court has made a court order so the local authority share parental responsibility.

Parental Responsibility

The legal duty to look after a child and meet their needs and the legal power to make decisions about the child's care.

Special Guardianship Order

A legal order which provides the carer of a child with overriding Parental Responsibility, above the level the parents of the child have. This is intended to be a permanent order until the child is 18 years old.



