North Somerset Council

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North Somerset Council Children's Services

Special Guardianship Order Policy

2026/27



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Introduction

Special Guardianship Orders (SGO) are intended to provide, 'an alternative legal status for children that offers greater security than long-term fostering but without the absolute legal severance from the birth family that stems from an adoption order.' (Special Guardianship Guidance DfE 2005 (Amended 2016)).

It is a legislative route to permanence for children where adoption is not appropriate. Special Guardianship Orders may be appropriate, for example, in situations where a child is older and does not wish to entirely cut ties with their family, or where adoption is not an option but permanence for the child is in their best interests. A Special Guardianship Order offers greater stability and legal security to a kinship arrangement than a Child Arrangements Order.

The Special Guardian will have parental responsibility for the child and may exercise this to the exclusion of all others with parental responsibility, apart from another Special Guardian. There are exceptions to the decisions a Special Guardian can make, these are with regards to changing the child's name, removing the child from the country for longer than 3 months and providing permission for the child to be adopted. These decisions will require the consent of everyone with parental responsibility, or the leave of the court.

Who may apply?

Applications for Special Guardianship may be individual or joint. Joint applicants do not need to be married. Special Guardians must be 18 or over and must not be a parent of the child they wish to pursue the order for.

Subject to giving notice to North Somerset Council, the following people are entitled to apply for a Special Guardianship Order without needing to first seek the leave of the court:

- Any guardian of the child
- Any person who is named in a child arrangements order as a person with whom the child is to live
- Any person who has the consent of each person named in a child arrangements order as a person with whom the child is to live

- Anyone with whom the child has lived for a period of at least 3 years (which need not be continuous, but must not have begun more than 5 years before, or ended more than 3 months before, the making of the application)
- A relative with whom the child has lived for a period of at least 1 year immediately preceding the application
- Where the child is in the care of a local authority, any person who has the consent of the local authority
- Any person who has the consent of all those with parental responsibility for the child
- Any other person, aged 18 or over (other than a parent) may apply for a Special Guardianship Order if they have the leave of the court to make the application

Parental Responsibility

The Special Guardian will have parental responsibility for the child and, subject to any other order in force, will have clear responsibility for the day-to-day decisions about caring for the child to the exclusion of anyone else who might have Parental Responsibility.

The child's parents will continue to hold parental responsibility but their exercise of it will be limited. The parents will, however, retain the right to consent, or not, to the child's adoption. The Special Guardian must also take reasonable steps to inform the parents in the event of the death of the child.

The court may, at the time of making the Special Guardianship Order, give leave for the child to be known by a new surname and/or to be removed from the United Kingdom for longer than 3 months, either generally or for specified purposes.

The circumstances in which a Special Guardianship Order may be made

The Court may make a Special Guardianship Order in any family proceedings concerning the welfare of the child and following an assessment by the local authority. This applies even where no application has been made and includes adoption proceedings.

Any person making an application for a Special Guardianship Order must give 3 months written notice to their local authority of their intention to apply. In relation to a Looked After Child, the notice will go to the local authority looking after the child. In all other cases, the notice will be sent to the local authority for the area where the applicant

resides. The local authority receiving the notice will then have a duty to provide a report to the Court.

The only exception to the requirement for 3 months' notice is where the Court has granted leave to make an application and waived the notice period.

Where the local authority has received notice from an applicant or a request for a report from the Court, it should send written information about the steps it proposes to take in preparing the report to the prospective Special Guardian and the parents of the child in question.

Planning and Assessment

If a Special Guardianship Order assessment is required by North Somerset Council an email must be sent to kinship@n-somerset.gov.uk to request this, by the child's Social Worker. The Kinship Team Manager will then allocate this to an Assessing Social Worker usually with a 12-week completion date. A midway meeting will take place at the halfway point of the assessment, this will be convened by the Team Manager of the Kinship Team and will be an opportunity to discuss the progress of the assessment and ascertain the strengths, vulnerabilities and whether any additional support will be required for the potential Special Guardianship carers. The children's Social Worker, Team Manager, the local authority's legal representative and Independent Safeguarding Reviewing Officer (ISRO) will be invited to this meeting giving an opportunity for everyone to share their views. The potential Special Guardianship carers will also be advised and encouraged to seek their own legal advice which will be funded by North Somerset Council, this is an opportunity to have discussions with a professional totally independent of the local authority.

If a child is already subject to a Care Order and a Special Guardianship Order is required as part of the local authority's permanency plan, it will usually be identified during the child's statutory child in care review. All professionals involved will be included in this decision.

In all cases there will need to be:

- An assessment of the current and likely future needs of the child (including any harm the child has suffered, and any risk of future harm posed by the child's parents, relatives or any other person the local authority considers relevant).
- An assessment of the prospective Special Guardian's parenting capacity including their medical history; DBS checks, references and other statutory checks; any previous assessment undertaken in respect of the prospective Special Guardian; any likely impact the Special Guardianship Order may have on relationships between the child and the parent.

- Their understanding of, and ability to meet, the child's current and likely future needs, particularly any needs the child may have arising from harm that the child has suffered.
- Their ability and suitability to bring up the child until the child reaches the age of eighteen.
- An assessment of the proposed family time arrangements and the support needs of the child, those who have parental responsibility and the prospective Special Guardian.

In assessing the appropriateness of any potential applicants, North Somerset Council must assess whether any option would not be consistent with the child's welfare or would not be reasonably practicable. Assessments should be robust, evidence-based and child-focused. Before the assessment, the prospective carers should be provided with full information about what the assessment will involve, the time and commitment needed from them including expectations of the carers and what they should think about during the process. North Somerset Council uses an assessment tool called the Form K to assess potential kinship and Special Guardianship carers. Any assessments completed will be provided to the potential carers for their observations of the report.

In recognising that each situation will be looked at on a case-by-case basis, an interim placement with the proposed special guardians, if the child is not already residing with them, may be appropriately considered to both establish relationships between the child and Special Guardians. This will also confirm the applicants' ability to carry out their parenting responsibilities, meet the needs of the child and promote their welfare and best interests.

A Special Guardianship Support Plan, including the financial support afforded to the carers, will need to be provided at the time of filing the Special Guardianship Order assessment and its recommendation. This will detail the support to be provided to the carers and the child and include family time arrangements for the child with the important people in their lives.

Prior to a Special Guardianship Order (SGO) being Granted

At times there will be a need for a child to be cared for in an emergency situation. The local authority can either seek an interim Care Order via the Court or parents can sign consent for their child to be looked after by the local authority (this is called section 20). There may not be time to undertake a Special Guardianship Order assessment so temporary approval will need to be sought for the carer, following completion of a Regulation 24 assessment. This provides the local authority with 16 weeks to complete

either a formal Kinship Carer fostering assessment or a Special Guardianship Order assessment. If the local authority needs additional time to complete this assessment it can request a further 8 weeks, in emergency circumstances only. At the end of the 24 weeks, it would be expected that the Court would be ready to grant the Special Guardianship Order, if this were not the case, the Kinship Carer fostering assessment would need to be presented to fostering panel in order for the carers to gain approval as Kinship Carers. The Special Guardianship Order assessment can be presented to the court as soon as possible in line with the care proceedings being undertaken.

The Special Guardianship Support Plan

Where an assessment identifies the need for ongoing support services, a Special Guardianship Support Plan must be completed. This plan should be based upon the lived experience of the child and the lived experience of the prospective Special Guardian.

Education, health needs, family time arrangements and financial support will be included in the plan. Carers must see a copy of the plan and agree to the contents prior to this being filed with the court.

With regards to financial support, North Somerset Council do not means-test carers and will fund age-related allowances for all children subject to a Special Guardianship Order until their 18th birthday. The equivalent to Child Benefit payments will be deducted from the age-related allowance as this can be claimed and paid directly to the carer. North Somerset Council's stance is that special guardianship arrangements should not fail because of financial problems. Financial support should be paid to help secure a suitable arrangement, if this is in the best interests of the child.

As of 1st April 2026, the below age-related allowances are used:

Age of Child	0-2 years old	0-4 years old	5-10 years old	11-15 years old	16-18 years old
Weekly Allowance	£200.44	£206.44	£219.91	£243.34	£277.59

For former Foster Carers, including former Kinship Carers, North Somerset Council will continue to pay a skills level payment for at least 2 years following the Special Guardianship Order being granted.

The support plan should be reviewed on an annual basis. If a child moves out of the home and is no longer cared for by the Special Guardian, they should let the Kinship Team know immediately by emailing kinship@n-somerset.gov.uk or calling

07353131290. The financial support is only payable whilst the agreed Special Guardianship Order arrangements are adhered to. Special Guardians will be asked to pay back any overpayments where they have continued to receive payments when the child is no longer residing with them.

Special Guardianship Support

There is a range of support available for children and carers in North Somerset, this includes early help, special educational needs and disabilities (SEND), health and wellbeing for the under 5's and advanced parenting groups. More information regarding this support can be found here Children, young people and families | North Somerset Council

As part of North Somerset's responsibilities to Special Guardians and the children they are caring for there must be support provided, if needed, in the following areas:

- Financial support
- Assistance, including mediation services, in relation to family time between the child and their parents or any other person with whom the child has a relationship that the local authority considers to be beneficial to the welfare of the child
- Therapeutic services for the child (this would be via the Adoption and Special Guardianship Support Fund -ASGSF)
- Assistance for the purpose of ensuring the continuance of the relationship between the child and their special guardian or prospective special guardian, including training for the special guardian or prospective special guardian to meet any special needs of the child
- Counselling, advice and information.

All of our Special Guardians are able to access the training we deliver to all of our foster carers. We recognise that some of our Special Guardians may require support in specific areas so we have a range of training sessions both in person and online that they can attend. In addition to this we are aware that seeking support from other carers may be required for our Special Guardians, so we invite all of them to our coffee mornings and support groups. We hold support groups specifically for kinship carers which Special Guardians are invited to. A newsletter for Special Guardians is sent out on a quarterly basis, this provides up to date information for them regarding training and support groups.

Support services should not be seen in isolation from mainstream services, and it is important to ensure that families are assisted in accessing mainstream services and

are aware of their entitlements to universal credits and benefits. At times, if we are worried about a child's wellbeing, a referral may be made to North Somerset's front door team.

Where the child was a previously a Looked After child, responsibility for the assessment and provision of services for the child, the Special Guardian and any children of the Special Guardian all remain the responsibility of North Somerset Council. If the child moves from the area with their guardians, North Somerset Council will remain involved for 3 years after the Special Guardianship Order was issued. Following this, the local authority where the child lives will be responsible for assessing and providing support services.

If a child was not Looked After, the local authority where the Special Guardian lives has the responsibility for assessing and providing support services. If the Special Guardian and their family move, then the responsibility passes to the new local authority.

Ongoing financial support which was agreed when the Special Guardianship Order was made, remains the responsibility of North Somerset Council, so long as the family continue to qualify for payments.

In addition to the support provided by local authorities, the Adoption and Special Guardianship Support Fund in England also covers therapeutic support for children, living in England, who were previously in care, immediately before the making of a Special Guardianship Order. Based on the assessment of needs, North Somerset Council can apply for funding from the Adoption and Special Guardianship Support Fund.

Assessment for Special Guardianship Support

Special Guardians can contact North Somerset Council's Kinship Team to seek support for any difficulties that may arise. The email address is kinship@n-somerset.gov.uk and the contact number is 07353131290. Most of our Special Guardians can access support via the front door which is the team that manages initial referrals. Signposting to our universal services can be completed or an assessment of need could be completed if necessary.

The assessment should be based on the child's assessment of need and include the following:

- The developmental needs of the child
- The child's educational needs

- The parenting capacity of the Special Guardian
- Family and environmental factors that have shaped the life of the child
- What the life of the child might be like with the Special Guardian
- Any previous assessments undertaken in respect of the child and the Special Guardian
- The needs of the Special Guardian and their family

The assessment process should be flexible and should not delay provision of appropriate services. After the assessment has been undertaken, the carers will be informed of the outcome. Special Guardianship Support will be subject to the approval of the Team Manager. North Somerset Kinship Team will complete any requests for funding via the ASGSF.

Special Guardianship Orders in International Cases

Identifying potential long-term carers for a child within the extended family may include those who are either resident in, or nationals in, overseas countries. Special Guardianship can be considered in placing a child outside of the jurisdiction. Consideration must be given to how assessments are carried out in a legally compliant and culturally relevant manner. Thought will be given to:

- The status of Special Guardianship in that country and other legal matters
- The relevant matters associated with the care of children in that country: permanent, stable and secure family life; safeguarding; education and health; and specifically, how all of these relate to the personal living circumstances of the host family and their need for support services, including financial and therapeutic support and contact between family members including those resident in the UK
- Contacting local agencies in that country for guidance on the support that maybe offered.

Entitlement to Leaving Care Services

Regulation 22 of the Special Guardianship Guidance – Statutory Guidance for Local Authorities on the Special Guardianship Regulation 2005 (as Amended by the Special Guardianship (Amendment) Regulations 2016) states that 'Time spent under a Special Guardianship Order is relevant when considering the child's entitlement to leaving care services'. Section 24(2) of the Children Act defines a person qualifying for advice and assistance. This includes a young person aged 16 to 18 who immediately before the making of the special guardianship order was 'looked after' by the local authority. This means that any leaving care service offered will be discretionary.

Helpful Information

North Somerset Fostering Website
We have a section on our fostering website which is dedicated to kinship care, this can be accessed here Kinship Care – Fostering North Somerset there is an opportunity to complete a form to ask a question whether this about kinship foster care or special guardianship please feel free to contact us.

Complaints
If anyone wishes to make a complaint regarding the service they have received from North Somerset they can do this here Complaints about social services | North Somerset Council

Coram Children's Legal Centre (CCLC)
Coram Children's Legal Centre provides free independent legal advice and factsheets to children, parents, carers and professionals.

Website: Home new - childlawadvice.org.uk Telephone number: 0300 330 5480.

Family Lives and Gingerbread
Family Lives, in consortium with Gingerbread, offer free online and phone support for parents and carers on various topics, such as mental health, behaviour, bullying, divorce, finances, welfare rights and more.

Website: Parenting and Family Support | Family Lives. Telephone number: 0808 800 2222.

Website: Home | Gingerbread. Telephone number: 0808 802 0925.

Family Rights Group (FRG)
Family Rights Group provides specialist advice to parents, kinship carers, relatives and friends who are involved with children's services in England or need their help. Family Rights Group's advice service is free, independent and confidential. It supports families to understand the law and child welfare processes when social workers or courts are

making decisions about their children. The service offers a website packed with useful advice resources, online forums, a free telephone advice line, a webchat service, and online enquiry form.

Website: Get Help and Advice - Family Rights Group. Telephone number: 0808 801 0366 (open Monday to Friday 9.30am to 3pm)

Kinship

Kinship is a national charity for kinship care in England and Wales. It supports grandparents, siblings, aunts, uncles, and family friends who care for children when their parents cannot. The charity provides information, advice, training, and support, including peer support groups and training services.

Website: Kinship: Home | The Kinship care charity | England and Wales. Telephone Number: 0300 123 7015. The phone line is open Monday – Friday, 9:30am – 2pm. Kinship carers can also use the Kinship Compass to find out about local information and support: In your area - Kinship

Kinship lead on the government departmental contract for peer to peer support groups across England. You may wish to find a local group online Kinship Peer Support Service | Funded by the DfE

Professionals working with kinship carers can access information about Kinship here: For professionals - Kinship