

Report to:	EXECUTIVE CABINET
Date:	24 April 2019
Executive Member/Reporting Officer:	Councillor Oliver Ryan – Executive Member (Children’s Services) Richard Hancock – Director (Children’s Services)
Subject:	SPECIAL GUARDIANSHIP ALLOWANCE POLICY
Report Summary:	<p>The report provides details of an invest to save initiative within Children’s Services for which approval is requested to commence implementation.</p> <p>The new policy will actively encourage new Special Guardianship applications from family and friends and those Tameside Foster Carers and Foster Carers from Independent Fostering Agencies to convert to become Special Guardians for the children who they look after.</p>
Recommendations:	To approve the proposal to agree investment to create a Special Guardianship Order Support Service.
Corporate Plan:	This links to the corporate plan under the heading of starting well the change to the way Tameside Metropolitan Borough Council works with special guardians. Will mean that more children will achieve permanence at an early stage in their lives which will improve their outcomes and reduce the number of Children Looked After. Children will be cared for by the people who have a pre-existing relationship with them.
Policy Implications:	There is a request for changes in the current Special Guardianship Order Policy which will ensure Tameside Foster Carers, connected or otherwise and Independent Fostering Agency carers are paid at their current rates until the child reaches 18, therefore implementing a ‘no detriment’ approach to their conversion from Foster Carer to Special Guardian. The current policy is means tested which has acted as a deterrent and has prevented carers from agreeing to a Special Guardianship Order.
Financial Implications:	The report requests consideration of the proposed SGO invest to save policy.
(Authorised by the statutory Section 151 Officer & Chief Finance Officer)	<p>The investment requirement for a new SGO support team as stated in section 6.4 (table 1) will need to be financed from the estimated initial annual cash savings that will be realised from the conversion of internal foster carers (£0.070 million) and independent foster care agency carers (£0.334 million). Supporting details are provided in sections 3.6 and 3.12 accordingly. Members should note there will be a part year effect of any initial cash savings as they will be dependent on the SGO conversion date.</p> <p>Members should note that there will be two different SGO payment mechanisms following the outcome of the consultation that has been undertaken and the proposal that the policy will be at no detriment to existing financial payment arrangements. Therefore the existing payment rates for internal foster carers that</p>

convert (per **Appendix one**) will remain, with alternative payment rates for Independent Foster Care agency (IFA) carers that convert. The rate payable to IFA carers will be dependant on the rate they currently receive from the agency. An average weekly rate has been provided for context within section 3.12 of the report.

The SGO support team referenced in section 6 of the report will need to be financed from the Children's Social Care annual revenue budget on an ongoing basis in future years and will be dependent on the number of carers that become Special Guardians. Table 1 (section 6.4) provides the part year (2019/20) and ongoing annual cost of the proposed team. The number of posts in the team will, however, be dependent on the number of SGO carers requiring support within the borough at any time and number of carers that are converting to SGO status. The number of posts within the team will therefore need to be flexible to these arrangements.

The estimated annual cash savings that will be realised in the initial years for the conversion of existing carers will contribute towards the financing of the team and the directorate annual budget savings. However, the report also explains that there will be additional capacity realised within the service establishment via this proposal. This may, in future years enable the service to then reduce the number of posts in the service to support the planned reduction to the ongoing directorate revenue budget as assumed within the Strategic Commission's medium term financial plan.

It is essential that appropriate monitoring arrangements are introduced alongside this investment proposal to ensure the estimated cost avoidance and initial financial savings in the early years are realised and on a recurrent basis thereafter.

Legal Implications:

(Authorised by the Borough Solicitor)

Robust SGO support plans, with clear financial support, and support team in place will go a long way to persuading the Court and Guardians that these placements can be properly supported moving forward.

Although ostensibly a change in 'policy', the advice, on balance, is that it does not need public consultation. It isn't changing thresholds for access to services, nor is it directly changing the level of service/support a child receives. Rather it changes payment policies that will in turn encourage a greater take up of what is arguably a more sustainable setting both in terms of outcomes for children, and financially for the Council in the long term. Given this is such a niche topic, it is unlikely public consultation via the Big Conversation would be of meaningful benefit.

Targeted engagement and / or insight based on feedback from stakeholders and interested parties would be a better and more meaningful evidence base in this situation given the complexity, and the small numbers potentially affected. Those parties could be Independent Fostering Agencies, current foster carers with Tameside Council, current foster carer with IFA, someone who is thinking of applying / currently applying for SGO, someone who *currently holds SGO*.

So it doesn't need to be a formal survey, nor a standalone piece of work, rather an exercise to collate feedback received through different channels that helps form an understanding of stakeholder views, and then demonstrate that those views have been understood and taken into account when formulating the proposed new policy.

Of course the above is dependent on there being existing feedback that can be collated. If not some conversations will need to be had with those stakeholders and interested parties, but that doesn't need to be full public consultation.

With regards to equalities there is a clear relevance to age given this is about children. Consideration should also be given to other protected characteristic groups. For example, are certain groups over/under represented in the potential affected cohort compared to the population of children in care and the overall population of children in the borough. Again, whilst a full EIA is not necessary it will be important to show due regard and this can be done by including some headline data in the Part A scoping EIA.

So in summary the report should include a clearly defined section on learning based on feedback from stakeholders gathered primarily through normal business and include a section on equalities noting relevance based on headline data (with a supporting Part A). In addition, including any insight of where this approach has been undertaken in other authorities, and associated learning, helps with the evidence base.

Risk Management:

As there is no requirement for an Independent Agency Foster Carer to convert to being a Tameside Foster Carer prior to the application for Special Guardianship. There is the potential for a difference in the rates of allowance paid to Special Guardians dependent upon their status prior to converting. In addition, those Special Guardians who were assessed prior to the implementation of this policy will be on different term and conditions of financial support rates.

There is a consultation programme with Independent Foster Carers and Tameside Foster Carers planned over the next three weeks. The outcome of this consultation may result in recommendations for changes to the policy due to the effect on the equality impact assessment.

Background Information:

The background papers relating to this report can be inspected by contacting



Telephone: 0161 342 2373



e-mail: jodie.graham@tameside.gov.uk

1. INTRODUCTION

- 1.1 Special Guardianship was introduced in 2005 as a legal pathway to permanence for children, often within the extended family network. It was introduced to meet the needs of a significant group of children, including mainly older children who had become separated from their birth family, children already living with a relative or foster carer, and groups such as unaccompanied asylum-seeking children. Statutory guidance on Special Guardianship states that its purpose is to:
- give the carer clear responsibility for caring for the child and for making decisions to do with their upbringing
 - provide a foundation on which to build a lifelong permanent relationship between the child and their carer
 - be legally secure
 - preserve the link between the child and their birth family
 - be accompanied by access to a range of support services, including, where appropriate, financial support (Department for Education and Skills, 2005).
- 1.2 Therefore, Special Guardianship is an effective order in which to secure permanence for children with carers who they have a pre-existing relationship with. Within Children's Social Care, there are a number of children whose wish to be cared for by their current carers without the involvement of the local authority. Historically, there has not been enough emphasis on care planning for children past the final order. This has essentially meant that children subject to care orders placed with connected (family) carers have remained in care long after their care order could have been discharged and replaced by a special guardianship order.
- 1.3 The strategy has two parts, firstly to reduce the number of children in care, and therefore reduce social work services children who no longer subject to care orders. This will not produce cashable savings; however it will allow the realigning of budgets to ensure that social work teams are better equipped to manage demand without any increase in the current establishment. The second part of the strategy is to, enable more carers to benefit from the option to become special guardians at the initial care planning stage and therefore diverting children from the looked after system at an early stage by having their permanence needs secured in their families and friends network via an alternative legal order.
- 1.4 There are a disproportionately high number of children that are currently placed with connected carers, who now have active plans for SGO (Special Guardianship Order) that need to be progressed, many of these plans for SGO's have drifted.
- 1.5 The permanence needs of children in Tameside have been detrimentally affected and this delay has also prevented Tameside MBC from achieving non cashable savings in terms of increased capacity from Social Workers, Supervising Social Workers and Independent Reviewing Officers as well cost avoidance in relation to support staff. At a time when children's services are showing a significant deficit this could in time allow the Local Authority to realign workers and to have additional resources to prevent children from coming into care.
- 1.6 In March 2019, a consultation exercise was held with 12 Foster Carers by face to face meetings and telephone conversations, these were a combination of Connected Carers, Independent Fostering Agency Carers and Tameside MBC Carers, Social Workers and in the Looked After Children Teams and Fostering Service were also consulted. There was positive feedback from the consultation, where there was unanimous feedback that the 'no detriment' policy was positive and would remove the financial barrier to carers applying for a Special Guardianship Order. In addition to the financial support all the carers and social

workers consulted considered the development of a Special Guardianship Support Team to be positive, they appreciated having the 'safety net' of support should it be needed at any point.

- 1.7 The learning from the consultation is the foster carers through a copy of the policy and procedure in its entirety or a link to it would be useful once it has been approved, as during the consultation a summary was distributed. Also, a leaflet should be developed for practitioners to provide to carers, which contains contact details, the carers wanted to be consulted on the content of the leaflet. The issue of enhanced payments for solo placements was raised, this is where the foster carer has an enhanced care rate when a child is placed with them who is unable to live with other children, as a result of this feedback the policy will need to include the honouring of these enhanced payments.

2 METHODOLOGY

- 2.1 A review of all looked after children within the Safeguarding/Locality Teams and the Looked After Children's Service has been undertaken to establish the care plans of children who are currently looked after on a long term basis. Where there has been a care planning decision that a Special Guardianship Order is appropriate and this decision has been quality assured by the Independent Reviewing Officer, and where the next stage is to agree the decision to discharge the care order at a legal gateway meeting, in short all professionals involved in the care planning of the child, in addition to the carers and the child agree a Special Guardianship Order is in the best interests of the child. where this is the situation, children identified have been split into two specific cohorts and they are:

- Children placed with connected carers
- Children who have been placed long term with Independent Fostering Agency Carers.

- 2.2 Work has been undertaken with legal services, and the courts and it has been agreed that these applications will be fast tracked (completion within 12 weeks).

Connected Carers

- 2.3 All children that have been placed with connected carers for two years or more, will be reassessed, in line with the care planning procedures and if appropriate a plan for Special Guardianship Order will be progressed if this is considered to be in the best interests of the child and it is aligned to the wishes and feelings of the child and carers . There is currently a cohort of children within the Looked After Children's Team that have plans for Special Guardianship Orders with their carers for some time, as well as emerging plans for Special Guardianship Orders which are due to be ratified by the Independent Reviewing Officers at the next Looked After Review. It is envisaged that clarity around the financial policy two year payment reviews, will encourage other carers to agree to a plan of Special Guardianship Order as a significant barrier is around the support to the carer and child once the child is no longer subject of a Care Order. If through care planning process a Special Guardianship Order is considered to be in the best interests of the child then the matter will progress to legal gatekeeping so the recommendation can be agreed within the formal decision making framework of Childrens Services.

Independent Fostering Agency Carers

- 2.4 There are a number of children who are placed with Independent Fostering Agency carers for whom a Special Guardianship Order is considered appropriate.. However, There would be a significant financial loss to the carers by doing so. This has left Tameside in a difficult position, as the Special Guardianship Order allowances needs to be equitable, however the savings that could be achieved by paying these carers their current rates minus the agency fees would essentially provide Tameside with a substantial saving per child over the duration of the child's life in care. There will therefore be two payment arrangements in

place if Independent Foster Carers are paid at a rate that varies to the current (2019/20) Internal Foster Carer rates as stated in **Appendix One**. Whilst the primary motivation for securing permanence for children is not financial, the barrier the financial loss creates for some carers prevents special guardianship being a viable option for this cohort of children.

3 SAVINGS AND COST AVOIDANCE

- 3.1 This approach will not only identify suitable alternative extended family options to long term care which will provide the best outcomes for children, it will make savings for the Local Authority. For example, if the Council identified viable permanency options with family members for children who are in existing independent foster care agency placements, there will be cash savings realised due to no longer paying the difference between the sum paid to the agency and the sum received by the carers (as explained in section 3.12).

There would also be capacity savings for the Local Authority in terms of staff time completing statutory visits to Looked After Children, Independent Reviewing Officer's chairing statutory reviews across the North West and other agencies completing Personal Education Plan's/Health Assessments as part of the child's Looked After Child's care plan. As the service develops, there is potential for both cost avoidance as children are diverted from becoming a Looked after Child and a reduction in existing costs as children are returned to their family from care or their carers become special guardians which will reduce the need for statutory services involvement. These savings can then be reinvested to support these Special Guardianship orders through a Special Guardianship Order Support Team.

Internal Foster Care Placements

- 3.2 Each social worker in the children's social care teams spend an average of 466 hours per annum on each young person in internal foster placement. This equates to approximately 0.25 of a full time equivalent post.
- 3.3 There are additional costs relating to an internal placement (for example travel, medicals) which total approximately £1,200 per annum.
- 3.4 58 internal placements have been identified by the service as appropriate for Special Guardianship Order status. Staffing If this were to be progressed then the resource could be diverted into other parts of the service (or reduced over time) and/or realised as a cash saving (due to no longer paying travel, medicals etc) if they take up the Special Guardianship Order option.
- 3.5 This equates to an average of 14.5 full time equivalent posts in a whole year as either additional capacity or a reduction to the establishment over time.
- 3.6 The estimated annual cash saving of non payment of training and medicals equates to £ 0.070 million. It should be noted however that the travel and medical costs would be cost avoidance for any new placements when compared to conversion of existing internal foster carers.
- 3.7 The internal carers would remain on the payment rates as stated in **Appendix One**, there is therefore no cash saving realised for these rates.
- 3.8 It is essential that emphasis should be on early care planning and reducing delay in applications for children who are already subject to a care order. There should also be a staged permanence is the final care for children who have not been in placement long enough during proceedings for a Special Guardianship Order to be granted. This will reduce drift and ensure that children are exited from care in a timely manner .

External Foster Placements (Independent Fostering Agency's – IFA)

- 3.9 There are 18 identified children in IFA placements which can transition to Special Guardianship placements, with a further 32 identified for long term match and a percentage of these will be suitable for SGO plans over the next two years.
- 3.10 Using the example of the 18 identified children in IFA placements with a plan for SGO, the average external placement cost to the Council is £780 per week. This equates to £0.730 million per annum.
- 3.11 Our research has discovered that an IFA carer receives an average of £423 per week from the agency per child. This equates to £0.396 million per annum.
- 3.12 The potential average annual cash saving for the Council if the same 18 IFA carers opted for SGO option is £357 per week (the difference between (£780 and £423 per week). This equates to an estimated annual saving of £0.334 million for the identified 18 children (£0.019 million per carer).
- 3.13 This would be an annual saving on a no detriment policy for proposed SGO payments for existing IFA carers.
- 3.14 Members should note however that these weekly rates will not be in line with the rates provided in **Appendix One** for Internal Foster Carers that convert to SGO.
- 3.15 The actual rate payable to a converting IFA carer will need to be agreed on an individual case by case basis on provision of evidence of the actual sum received from the agency.

4 BARRIERS

Financial Policy

- 4.1 The current financial policy is acting as a deterrent for carers agreeing to become Special Guardians , as there is a vulnerability attached to the two year financial review. Many carers have saved for their retirement and these savings act as a barrier to them receiving Special Guardian Order support funding. The no detriment policy will address this barrier and will support the transition from foster carer to special guardian, whilst the financial issue is a significant barrier to remove, the 'no detriment' policy will open the option of a Special Guardianship Order to a cohort of children who were previously denied this route to permanence.

5 IMPACT AND OUTCOMES.

- 5.1 The impact of conversion to a Special Guardianship Order for this cohort of children will significantly reduce the number of social work hours needed to discharge statutory duties. This will allow realigning services to where they are needed most and concentrate the emphasis on preventing children from becoming looked after. The impact for the child is just as significant as they are no longer Looked After they will not be subject to statutory reviews, Personal Education Plans, and health assessments, and the child will be free from the stigma of being a Looked after child. There is also a capacity saving to be had in relation to the support provided from Supervising Social Workers and the resources involved in completing the supervision of foster carers and the annual foster carer household review.
- 5.2 There is no intention to realign existing Special Guardianship Orders to the revised policy and the no detriment policy will only apply from a specified implementation date. It will mean those children who are in a settled placement and no longer wish to be a 'looked after child' will be able to have their wishes respected.

6 PROPOSED SPECIAL GUARDIANSHIP SUPPORT TEAM

- 6.1 It is important to note that whilst there is a clear evidence base that children placed within their families on Special Guardianship Orders have as good or better outcomes as children placed with local authority foster carers, it is important that these children receive help and support to assist them to adjust to their new care arrangements. This support is to be delivered by non-qualified support workers on a child in need basis and will provide practical and emotional support to both the child and the carer for a time limited period via the agreed special guardianship support plan, the average support plan will last for six months after the special guardianship order has been granted. However, the child and carer will be able to access support and advice at any future point they feel it is necessary to maintain the health and wellbeing of the child and to provide stability to the family.
- 6.2 It is therefore proposed that investment is agreed on the basis of projected initial savings and future cost avoidance for the next five years. This staff structure will not be needed immediately but will be gradually increased over time as the number of Special Guardianship Orders increase.
- 6.3 The plan would be to have an incremental increase in the team aligned to the demand in relation to the number of Special Guardianship Orders granted by the court. It is anticipated the Team will develop in the following timeline.:

April – September 2019 - Practice Manager and two Support workers

October – April 2020 - Four Support Workers and one Business Support Officer

To a position by 1 April 2020, the Special Guardianship Support team will have its full complement of staff.

- 6.4 The Special Guardianship Order support team will then consist of : (details provided within **Table 1**)

- 1 Practice Manager 36 hours (Grade I), (including on costs)
- 4 Support Workers 36 hours (Grade F) (including on costs)
- 1 Business Support 36 hours (Grade C) (including on costs)

Table 1

	Grade	FTE	2019/20 Part Year Impact £	2020/21 £	2021/22 £	2022/23 £	2023/24 £
Practice Manager	I	1	49,961	52,258	54,634	57,096	59,546
Support Worker	F	4	78,659	130,940	136,229	141,732	147,459
Business Support	C	1	12,405	25,812	26,328	26,855	27,392
Total			141,024	209,010	217,190	225,683	234,396

- 6.5 Table 1 (section 6.4) provides the part year (2019/20) and ongoing annual cost of the proposed team. The number of posts in the team will, however, be dependent on the number of SGO carers requiring support within the borough at any time and number of carers that are converting to SGO status. The number of posts within the team will therefore need to be flexible to these arrangements.

7. CONCLUSION

- 7.1 The Special Guardianship Order Support Team will provide support and advice for a number of special guardians that will be able to convert from being foster carers both with Tameside MBC and Independent Fostering Agencies. The additional benefit of adopting a 'no detriment' special guardianship financial support policy will enable more children to be cared for by their family or friends without the need for statutory service involvement, where this is considered to be in their best interest.

8. RECOMMENDATIONS

- 8.1 As stated on the report cover

APPENDIX ONE

2019/20 Foster Care Rates

Age	Foster Carer Child Allowance Rates	Level 1 Skills Funding	Holiday	Birthday	Festival Allowance
0-1	129.00	0.00	258.00	64.50	129.00
2-4	132.00	0.00	264.00	66.00	132.00
5-10	146.00	0.00	292.00	73.00	146.00
11-15	167.00	0.00	334.00	83.50	167.00
16-18	194.00	0.00	388.00	97.00	194.00
Age	Foster Carer Child Allowance Rates	Level 2 Skills Funding	Holiday	Birthday	Festival Allowance
0-1	129.00	100.00	258.00	64.50	129.00
2-4	132.00	100.00	264.00	66.00	132.00
5-10	146.00	100.00	292.00	73.00	146.00
11-15	167.00	100.00	334.00	83.50	167.00
16-18	194.00	100.00	388.00	97.00	194.00
Age	Foster Carer Child Allowance Rates	Level 3 Skills Funding	Holiday	Birthday	Festival Allowance
0-1	129.00	150.00	258.00	64.50	129.00
2-4	132.00	150.00	264.00	66.00	132.00
5-10	146.00	150.00	292.00	73.00	146.00
11-15	167.00	150.00	334.00	83.50	167.00
16-18	194.00	150.00	388.00	97.00	194.00

Age	Foster Carer Child Allowance Rates	Level 4 Skills Funding	Holiday	Birthday	Festival Allowance
0-1	129.00	250.00	258.00	64.50	129.00
2-4	132.00	250.00	264.00	66.00	132.00
5-10	146.00	250.00	292.00	73.00	146.00
11-15	167.00	300.00	334.00	83.50	167.00
16-18	194.00	300.00	388.00	97.00	194.00

Tameside & Glossop Strategic Commission Equality Impact Assessment (EIA) Form

Appendix 2

Subject / Title	Special Guardianship Order (SGO) Allowance Policy
------------------------	---

Team	Department	Directorate
Looked After Children	Children's Services	Children's Services

Start Date	Completion Date
December 2018	March 2019

Project Lead Officer	Jo Spender
Contract / Commissioning Manager	n/a
Assistant Director/ Director	Tracy Morris / Richard Hancock

EIA Group (lead contact first)	Job title	Service
Jo Spender	Service Unit Manager	Looked After Children
Tracy Morris	Assistant Director	Children's Services
Richard Hancock	Director	Children's Services

PART 1 – INITIAL SCREENING

1a.	What is the project, proposal or service / contract change?	The proposal is a change to the financial provision for Special Guardianship Orders (SGO).
1b.	What are the main aims of the project, proposal or service / contract change?	The main aims of the service is to enable effective permanency planning and to keep children within their families and communities without the need for them to be looked after by the local authority and to attract more foster carers to convert to being a Special Guardian and therefore reduce the numbers of looked after children.

1c. Will the project, proposal or service / contract change have either a direct or indirect impact on any groups of people with protected equality characteristics? Where a direct or indirect impact will occur as a result of the project, proposal or service / contract change please explain why and how that group of people will be affected.				
Protected Characteristic	Direct Impact	Indirect Impact	Little / No Impact	Explanation
Age	X			There is direct relevance to age as children under 16 years of age and their carers are the focus of this policy

**Tameside & Glossop Strategic Commission
Equality Impact Assessment (EIA) Form**

Disability		X		Some of the children affected by this policy will be disabled
Ethnicity		X		The children and carers affected by the policy are from a range of ethnic backgrounds
Sex	X			There is direct relevance to sex as the majority of the primary carers for these children are women
Religion or Belief			X	
Sexual Orientation			X	
Gender Reassignment			X	
Pregnancy & Maternity			X	
Marriage & Civil Partnership			X	
Other protected groups determined locally by Tameside and Glossop Strategic Commission?				
Group (please state)	Direct Impact	Indirect Impact	Little / No Impact	Explanation
Mental Health			X	
Carers	X			There is direct relevance to carers as this policy is aimed at carers of looked after children
Military Veterans			X	
Breast Feeding			X	

1d.	Does the project, proposal or service / contract change require a full EIA?	Yes	No
			X

**Tameside & Glossop Strategic Commission
Equality Impact Assessment (EIA) Form**

1e.	<p>What are your reasons for the decision made at 1d?</p>	<p>The policy, and thus the proposal, has direct relevance to the age characteristic as it is focused on children and young people. There is also direct relevance to the sex characteristic as the majority of the primary carers of children under the policy are female.</p> <p>However, although the Special Guardianship Orders (SGO) Allowances proposal is a change in policy there is no change to the level of thresholds or access to services and it does not directly change the level of service/support a child receives. So while relevant to children (age characteristic) there is no direct negative impact on the service provided to or received by children.</p> <p>Rather the proposal changes the payment policies that will in turn encourage a greater take up of permanence options in relation to looked after children, helping to ensure a greater number of young people achieve permanence (i.e. a positive outcome).</p> <p>With regards to carers the proposal will provide a more attractive support offer.</p> <p>Given the above, and on balance, there is not expected to be any negative impact (directly or indirectly) on children as a result of this proposal and as such a Part 2 full EIA is not required.</p>
------------	--	--