

North Tyneside Council

Report to Head of Health, Education, Care and Safeguarding

ITEM

Title: Implementing New Policy for Calculating Financial Support for Special Guardians

Date: 16 February 2018

Portfolio(s): Children Young People and Learning

Cabinet Member(s): Ian Grayson

Report from Service Area: Health, Education, Care and Safeguarding

Responsible Officer: Nik Flavell, Senior Manager for Quality Assurance

(0191) 643 7219

Wards affected: All

PART 1

1.1 Executive Summary

Special Guardianship provides a child or young person who cannot be cared for by their parents with legally permanent care. It is an alternative to adoption and long-term foster care or residential care. Special Guardians are assessed by the Authority to assure their suitability to be carers for the child or young person requiring permanent care. The Authority is also required to assess what support the Special Guardians may require, including financial support. The Authority is required to support Special Guardians financially where otherwise suitable Guardians have financial issues such that without financial support they would not be able to become Guardians for a child or young person. This is a matter determined through calculation by the Authority.

On 11 September 2017 Cabinet authorised the Head of Health, Education, Care and Safeguarding to implement a new policy revising the method of calculation used to determine the amount that eligible Special Guardians are entitled to receive as an allowance from the Authority to support permanent care of a child or young person.

A new, revised policy is now ready for immediate implementation. The new policy varies from that previously in place by ending use by the Authority of a percentage-based calculation and replacement with simple equivalence between the maximum amount to which an eligible Special Guardian is entitled and the maximum amount a Foster Carer is entitled to.

The revised policy has taken into account legislation, guidance, case law and national and regional practice. It has also been informed by the findings of the Local Government and Social Care Ombudsman following investigation into the practice of the Authority in relation to the method of calculation used. Accordingly, immediate implementation will ensure that children and young people within the Borough who require permanent care by Special Guardianship are supported to do so by carers who are not financially disadvantaged. It will also ensure that the

issues identified by the Ombudsman have been addressed and resolved. Immediate implementation will afford Special Guardians confidence that the Authority values their contribution and seeks to work in partnership with them as they care for vulnerable children.

1.2 Recommendation(s):

It is recommended that the Head of Health, Education and Safeguarding agree the North Tyneside Council “Policy for the Calculation and Payment of Special Guardianship Allowances (2018)” annexed to this report relating to the calculation and payment of Special Guardianship Allowances.

1.3 Forward Plan

It has not been practicable for 28 days notice of this report to be given due to the need to ensure that the Policy is adopted urgently to minimise any detriment to carers who may benefit from the revised Policy.

1.4 Council Plan and Policy Framework

The 2018-20 Our North Tyneside Plan states that ‘Our people will’:

- Be listened to so that their experience helps the Council work better for residents.
- Be ready for school – giving our children and their families the best start in life.
- Be ready for work and life – with the right skills and abilities to achieve their full potential, economic independence and meet business needs.
- Be healthy and well – with the information, skills and opportunities to maintain and improve their health, well-being and independence, especially if they are carers.
- Be cared for, protected and supported if they become vulnerable including if they become homeless.
- Be encouraged and enabled to, whenever possible, be more independent, to volunteer and to do more for themselves and their local communities.

This report relates to the way in which the Authority supports achieving permanent alternative care for some of the most vulnerable children within the Borough. The Authority must assure itself that it does not preclude potential Special Guardians from become carers as a result of inaccurate financial assessment and supports Special Guardians to care for some of the most vulnerable children and young people in the Borough.

1.5 Information

1.5.1 Current Policy

According to legislation, guidance and case law a Local Authority should use the maximum Fostering Allowance that would be paid to a foster carer to care for the child to calculate the maximum amount that a Special Guardian would be eligible for, subject to means-tested deductions.

The Authority’s current policy utilises a percentage-based methodology to calculate the maximum amount that eligible Special Guardians are entitled to.

1.5.2 New Policy

A new policy has been developed which has, at its core, a method of calculation based upon equivalence between the maximum Fostering Allowance that would be paid to a foster carer to care for the child and maximum amount that eligible Special Guardians could receive, subject to means-tested deductions.

1.5.3 Implications of the New Policy

The required change in the Policy will result in a higher level of Special Guardianship Allowance being paid to a majority of Special Guardians. Additional resources have been applied to ensure that the associated additional cost of implementing the new Policy can be accommodated. The anticipated additional costs for future years have been incorporated into the Council budget for 2018/19. Future annual costs are now forecast to be in the region of £900,000.

1.6 **Decision options:**

The Authority should implement with immediate effect a new, revised policy which has taken into account legislation, guidance, case law and national and regional practice and the findings of the Local Government and Social Care Ombudsman following investigation into the practice of the Authority in relation to the method of calculation used. Immediate implementation will ensure that children and young people within the Borough who require permanent care by Special Guardianship are supported to do so by carers who are not financially disadvantaged. It will also ensure that the issues identified by the Ombudsman have been addressed and resolved. Immediate implementation will also afford Special Guardians confidence that the Authority values their contribution and seeks to work in partnership with them as they care for vulnerable children.

1.7 **Reasons for recommended option:**

Immediate implementation will ensure that children and young people within the Borough who require permanent care by Special Guardianship are supported to do so by carers who are not financially disadvantaged. It will also ensure that the issues identified by the Ombudsman have been addressed and resolved. Immediate implementation will also afford Special Guardians confidence that the Authority values their contribution and seeks to work in partnership with them as they care for vulnerable children.

1.8 **Appendices:**

North Tyneside Council Policy for the Calculation and Payment of Special Guardianship Allowances (2018)

1.9 **Contact officers:**

Nik Flavell, Senior Manager for Quality Assurance, Children, Young People and Learning (0191) 6437219

1.10 **Background information:**

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

[Statutory Guidance](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The new policy will result in a higher level of Special Guardianship Allowance being paid to a majority of Special Guardians. The additional annual cost for 2018/19 is anticipated to be £400,000 and this is within the budget agreed for the forthcoming year. The in-year additional cost of implementing the policy can be accommodated within the overall financial envelope that is the General Fund Budget.

2.2 Legal

Legislation, guidance and case law are clear that the maximum amount an eligible Special Guardian is entitled to should equate to the maximum amount a Foster Carer is entitled to by way of Fostering Allowance.

2.3 Consultation/community engagement

No specific consultation or engagement in relation to the change of policy has taken place however enquiries of other Local Authorities within the North East region and nationally about their approach to the calculation of the Special Guardianship Allowance were undertaken.

Those affected by the change in the policy will be advised accordingly.

2.4 Human rights

Children and young people have a right to life within their wider family (Article 8). The calculation of financial support by the Authority for potential Special Guardians must comply with the current requirement to calculate eligibility on an equivalent basis to the Fostering Allowance.

2.5 Equalities and diversity

The calculation of financial support by the Authority for potential Special Guardians must comply with the current requirement to calculate eligibility on an equivalent basis to the Fostering Allowance to ensure that the Authority does not discriminate.

2.6 Risk management

The introduction of a revised policy for the calculation of the Special Guardianship Allowance will minimise the future risk of challenge to the Authority's policy.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report.

PART 3 - SIGN OFF

- Deputy Chief Executive ☐ x
- Head(s) of Service ☐ x
- Mayor/Cabinet Member(s) ☐ x
- Chief Finance Officer ☐ x
- Monitoring Officer ☐ x
- Head of Corporate Strategy ☐ x