

Financial Assessment Procedure

For Special Guardianship Order and
Child Arrangement Order
Placements

Version: 5.0

Date Issue: November 2019

Author/Owner: Calvin Smith

Team: Children's and Families

Protective Marking: Internal

Contents

1.	Background	3
2.	Policy and eligibility criteria	3
3.	Financial assessment process – initial discussion	5
4.	Where financial support is agreed as necessary	6
5.	Exceptional circumstances	7
6.	Overseas arrangements	8
7.	Review of SGO/CAO allowances.....	9
8.	Representation process	10
9.	Ending or terminating SGO/CAO allowances	10
10.	Transitional payments to former foster carers	11

1. Background

- 1.1 Local authorities may give financial assistance to support Special Guardianship Orders (SGO) and Child Arrangement Order (CAO) placements. [Regulation 6 of the Special Guardianship Regulations 2005](#) sets out the circumstances in which this should be paid for SGOs. Child Arrangements Orders were introduced in April 2014 by the Children and Families Act 2014 (which amended section 8 Children Act 1989). They replace Contact Orders and Residence Orders.
- 1.2 This procedure should be used by staff in Children's and Families teams (C&F) when considering a financial assessment for special guardianship placements and child arrangement orders. It sets out Warwickshire's requirements for:
- assessing whether a special guardianship/child arrangement order allowance is required;
 - the processes to be followed from assessment through to payment;
 - review and the termination of payments;
 - responsibilities of key staff and teams.
- 1.3 This information is intended to assist all staff in C&F teams, the Independent Reviewing Officer Service and colleagues in the Financial Assessments and Benefits Advice (FABA) team and the People Group Finance team.

2. Policy and eligibility criteria

- 2.1 Warwickshire County Council will consider providing financial assistance to people caring for children under CAOs or SGOs when:
- (i) it is necessary to facilitate arrangements for applicants to become the carer of a child, or
 - (ii) to support the continuation of a legal caring arrangement which is, or would be beneficial to the child's welfare.
- 2.2 Financial assistance will be considered:
- when the child has been, or is looked after;
 - where there were or are care proceedings;

- when it is necessary to ensure that the carer/prospective carer can look after the child;
- when the child needs special care which requires a greater expenditure of resources than would otherwise be the case. This could relate to the child's illness, disability, emotional or behavioural difficulties or the consequences of past abuse or neglect;
- when it is appropriate to contribute to any legal costs, including court fees, associated with:
 - (i) the making of an SGO/CAO or any application to vary or discharge such an order;
 - (ii) an application for an order under Section 8 of the Act;
 - (iii) an order for financial provision to be made to or for the benefit of the child; or
- when it is appropriate to contribute to the expenditure necessary for the purposes of accommodating and maintaining the child. This will include:
 - (i) the provision of furniture and domestic equipment;
 - (ii) alterations to and adaptations to the home;
 - (iii) provision of transport;
 - (iv) provision of clothing, toys and other items necessary for the purpose of looking after the child.

2.3 Some financial support to be provided will be subject to means testing. The financial support which will be offered under this scheme will be:

- limited to that which is necessary to ensure that the carer/prospective carer can look after the child;
- limited to that which is necessary because the child needs special care which requires a greater expenditure of resources than would otherwise be the case. This could be because of illness, disability, emotional or behavioural difficulties or the consequences of past abuse or neglect;

- capped at 85% of fostering allowances payable unless there are exceptional circumstances or there would be extreme hardship. In which case the relevant operations manager in consultation with the relevant service manager will authorise the additional payment up to 100% of the fostering allowances and skill level payments.
- 2.4 Financial support will be subject to means testing using the Department for Education's standardised means test model for adoption and special guardianship financial support and a modified assessment form. The means test will apply a threshold for eligibility set at income support level plus 25%. This is consistent with the [financial assessment policy](#) applied in other Warwickshire County Council services.
- 2.5 Where the child was not previously looked after they should not be disadvantaged and consideration should be given as to the necessity and appropriateness of providing financial assistance. However where the decision is not to carry out an assessment the local authority must give notice of this decision in writing to the carers including the reasons for the decision.
- 2.6 As in all circumstances financial support paid under the regulations cannot duplicate any other payment available to the carer/prospective carer. In determining the amount of any financial support the local authority must take account of any grant, benefit, allowance or resource which is available to them in respect of the child's needs.

3. Financial assessment process – initial discussion

- 3.1 The connected person's social worker/fostering social worker and social worker for the child must meet together with the prospective carer(s) to clarify whether any financial support is necessary and if so what type:
- one off lump sum
 - financial support to access legal advice
 - ongoing financial support as a SGO/CAO allowance.
- 3.2 The prospective carer(s) will be given the opportunity to discuss with the social workers the financial impact of caring for the child. This will include any short term, immediate or one-off costs for things like a bed, car seat, pushchair, stair gate etc. for which they may be able to receive a one off lump sum payment.

- 3.3 The connected person's social worker/fostering social worker will provide the prospective carer(s) with a copy of the information leaflet [Guidance for SGO/CAO Carers: Arranging a Financial Assessment](#). If the prospective carer requires an assessment for a regular allowance the social worker for the child will be required to give them the financial assessment form as required by the Financial Assessments & Benefits Advice Team (FABA)
- 3.4 It is also possible for the local authority to consider loan repayments for larger purchases as part of any financial assessment with FABA being advised of this.
- 3.5 This discussion will include giving the prospective carer(s) details about the range of universal benefits and allowances, and other sources of financial support available to them.
- 3.6 When the local authority is supporting the carer application a contribution towards legal advice can be made where the applicant is making their own application this may include the application fee also.
- 3.7 If a SGO/CAO assessment is NOT necessary then this will be recorded as a decision in the case records by the child's social worker. This recording should summarise the discussion that has taken place and no further action will be required.

4. Where financial support is agreed as necessary

- 4.1 Where a financial assessment is required or requested the social worker for the child will provide the prospective carer(s) with an [Introductory Letter to the Financial Assessments & Benefits Advice Team \(FABA\)](#).
- 4.2 At the same time a completed [Referral for Financial Assessments and Benefit Advice](#) will be sent to the FABA team, clarifying any relevant timescales (i.e. court final hearing submission date), within which the financial assessment is to be completed and including any specific expenses to be considered.
- 4.3 The FABA team will arrange for their financial assessment officer to contact the prospective carer(s) to complete the financial assessment form and declaration. The assessments will include details of income and

capital/savings. The finance officer will also give advice on relevant welfare benefits which the prospective carer(s) will be expected to claim in line with the statutory guidance. Any maintenance contributions made for the child will be taken into account as part of the assessment process.

- 4.4 The FABA team will provide a written breakdown of the financial assessment to the social worker for the child. This should be shared with the operations manager and connected person's social worker/fostering social worker who will be completing the SGO/CAO assessment. This will be done by emailing the full assessment to the child's social worker, and then entering the result onto the child's case record.
- 4.5 When the operations manager has agreed the assessment and the payment of the SGO/CAO allowances (subject to the order being granted), it will be the responsibility of the child's social worker to share the overall results of the assessment and the commencement of the payment arrangements with the prospective carer(s).
- 4.6 As part of the process the prospective carer(s) are to sign a declaration confirming that they will notify the local authority of any changes in their circumstances or that of the child placed or to be placed under an SGO/CAO.
- 4.7 The C&F team will set the payment up on the appropriate payment system(s) once the order is granted by the court and close down any existing fostering allowances where appropriate.

5. Exceptional circumstances

- 5.1 If there are unforeseen changes in the carer(s) financial circumstances, or they are experiencing a period of financial hardship, a request can be made for a non-means tested lump sum or short term payment arrangement to be paid.
- 5.2 Where the request is within 3 years of the order being made the request needs to be made to the child's originating team.
- 5.3 If the request is after 3 years of the order, it will be the team where the family resides unless the originating C&F team is already responsible for ongoing SGO/CAO payments, has ongoing contact with the family or has had involvement within the previous 6 months.

5.4 An assessment using the single assessment proforma will be undertaken and submitted to the operations manager. This needs to detail the exceptional circumstances for which financial support is required, outlining the impact of the payment for the child. This will include the amount required and whether this is a one-off payment or an ongoing, time limited amount and the proposed timescale for this to be reviewed.

5.5 If exceptional circumstances are agreed by the relevant operations manager:

- The operations manager will consider and discuss the recommendation with the appropriate service manager.
- The appropriate service manager will monitor the exceptional circumstances payments.
- The operations manager will set up the payment/s within their team AND confirm in writing to the carer the outcome of the decision with reasons, outlining any conditions.
- The decision will be recorded on the electronic client record system for both the child and carer.
- FABA will need to be informed of this decision in writing as it might have implications for any ongoing means tested SGO/CAO allowance.
- The C&F team will be notified in writing if they are required to process the payment.

5.6 Where exceptional circumstances exist the carer(s) should never receive more than the fostering allowances and skills level payments (including holiday, festival and birthday allowances).

6. Overseas arrangements

6.1 All SGO/CAO's in respect of the overseas placement will be discussed with the service manager who will ultimately make the decision regarding the payment of the allowance and the basis and arrangements for this or any ongoing financial support.

6.2 It is acknowledged that placements outside the UK may have specific and unique needs which need consideration as part of a SGO/CAO support plan. Each of these cases should be considered in light of this procedure, but also

with consideration to the specific needs of the children in the context of their proposed placement. Further consideration should always be given as to whether a one off payment would enable the placement to happen and be sustained.

- 6.3 Where a SGO/CAO is deemed necessary it should only be calculated to cover one year in the first instance, with the option to extend this to three years. After this period, the team responsible for the placement and payment will need to be satisfied that an ongoing payment or further lump sum payments are still required and that the carer has accessed all relevant benefits, allowances and support in their country of residence.

7. Review of SGO/CAO allowances

- 7.1 The FABA team will undertake the annual review of SGA/CAO allowances. Each year carers will be sent a financial assessment form to be completed. This process will remind them of their responsibilities to immediately notify the local authority of any changes in their living or financial circumstances. The financial assessment form will need to be returned with a supporting letter from an agency/service involved with the family which confirms that the child still resides with the special guardian e.g. health visitor, school, GP.
- 7.2 If the required information is not received within 28 days:
- the finance officer from FABA will send a reminder to the guardian, advising that if information is not provided within 14 days then the payment will be suspended from the next payment run.
- 7.3 Should there be a failure by the carer(s) to provide the information for the annual financial review the local authority will take steps to suspend, and may terminate or seek to recover financial support. This will be the position until the local authority has received the required information so that the financial assessment can be completed. Any queries arising from a carer in respect of the annual review request will be directed to the relevant C&F team for resolution.
- 7.4 In circumstances where an allowance has been over-paid to the carers, the C&F team will raise an invoice in the first instance in line with the [WCC Corporate Debt Recovery Policy](#) and negotiate with the carers any repayment arrangements, if this is required.

8. Representation process

- 8.1 Where a prospective carer is not in agreement with the outcome of the financial assessment they can ask for their assessment to be reviewed by contacting the FAB team.
- 8.2 In circumstances where the prospective carer does not agree with the means tested financial assessment, they can make a written representation to the operations manager of the C&F team. Having reviewed the facts and circumstances the operations manager may consider a short term adjustment to the allowance payable e.g. whilst waiting for benefits and allowances to come through, or may consider a one off lump sum payment as an interim solution.
- 8.3 Any representation will be considered within **10 working days** of receipt of the written representation. The prospective carer will be advised of the outcome of their representation in writing and what further steps they can consider.
- 8.4 If a resolution cannot be reached and if the prospective carer(s) does not feel that the process has been completed fairly with all relevant factors taken into account, they can lodge a complaint to the [Customer Relations Team](#).

9. Ending or terminating SGO/CAO allowances

- 9.1 It is the responsibility of the operations manager to monitor the payment of allowances to ensure that arrangements are in place to end these when required.
- 9.2 The C&F team will advise carer(s) that allowances will cease on the young person's 18th birthday. An assessment should be completed prior to a young person reaching their 18th birthday to determine whether an allowance should continue beyond the young person's 18th birthday.
- 9.3 Where the young person continues in full-time education or training allowances may continue until the end of the school term in which the young person turns 18. The C&F team will seek confirmation of the college course

details and check that the young person is not in receipt of regular allowances, benefits or a salary.

- 9.4 If the young person is in employment or a paid apprenticeship the allowance will cease.

10. Transitional payments to former foster carers

- 11.1 The local authority may make remuneration payments to former foster carers who apply for a SGO/CAO in respect of a child in their care and where the local authority is supporting this plan for the child. However remuneration is only paid if the placement would become vulnerable without such remuneration. In these circumstances careful consideration will need to be given as to whether the foster carers can and should continue to foster. Foster carers will have their fostering status on hold pending the recommendation of their fostering review which is presented to the Fostering Panel.
- 11.2 The foster carer(s) must be approved by the local authority and have been on the payment for skills scheme to be able to receive the remuneration. The payment, which represents 85% of the fostering allowance (unless in exceptional circumstances up to 100% is paid), is intended to allow the family time to make the necessary financial adjustments.
- 11.3 This transitional payment is agreed by the children's team operations manager and is paid as a regular payment for up to two years after the order is made. These payments are to be added to any means tested allowances payable. Some former foster carers might therefore receive the allowance subject to meeting the eligibility criteria and the outcome of the financial assessment and an additional transitional payment for two years.
- 11.4 The special guardian will only receive a transitional allowance for periods where their fostering availability is limited by the special guardianship placement. When the carer is able to resume fostering the fostering service should notify the relevant children's team so that arrangements can be made to end the transitional payments.