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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation – summary of response

Special Guardianship Orders

Amending Regulations and Code of Practice

May 2018

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

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1. Introduction

- 1.1. This consultation ran from 4 September to 27 November 2017, and sought views on proposed amendments to the Special Guardianship (Wales) Regulations 2005 and a new code of practice on the exercise of local authority functions in relation to special guardianship orders.
- 1.2. The changes we proposed were:
 - **Additional matters to be considered and included in the local authority's report to the court**
- 1.3. The matters to be considered by a local authority when assessing a person's suitability to be a special guardian, and to be included in the authority's report to the court, are set out in the schedule to the 2005 Regulations. We proposed placing additional matters in the schedule, to create a stronger and more robust assessment framework for potential special guardians.
 - **Provision of special guardianship support services to former looked after children living in another local authority area**
- 1.4. We proposed a new regulation specifying that the local authority which looked after a child immediately before a special guardianship order was made must continue to meet any identified special guardianship support needs for three years, regardless of where the child is living. The exception is that, where financial support was being provided by the local authority before the making of the order, that local authority remains responsible for ongoing financial support as long as the family in question qualify for payments. This new regulation would strengthen the 2005 Regulations and be aligned with the responsibilities of local authorities for out of area placements in the adoption regulations (the Adoption Support Services (Local Authorities) (Wales) Regulations 2005). The regulation would also require the local authority to review these support services not later than three months before the end of the three year period, to notify the local authority where the person receiving the support lives of any continuing need for support, and to refer the person to relevant local information, advice and assistance.
 - **Local authority duty to inform applicants of their entitlement to request an assessment for special guardianship support**
- 1.5. Section 14F of the Children Act 1989 and the 2015 Regulations specify the people at whose request the local authority must undertake an assessment of need for special guardianship support services. We proposed placing a new requirement in the code of practice that a local authority must make these people aware of their entitlement to request an assessment for special guardianship support services when an application is made or the court directs the local authority to carry out an assessment of suitability.

Next steps

- 1.6. The amending regulations and the code of practice will be laid before the National Assembly for Wales in April 2018. The Welsh Government will notify local authorities and other key stakeholders of the changes before they come into force on 1 July 2018.

2. Summary of responses received and Welsh Government response

- 2.1. There were 29 responses to the consultation, 20 from organisations and 9 from individuals.

a) The Special Guardianship (Wales) (Amendment) Regulations 2018

• Matters to be included in local authority reports to the courts

Question 1 – Are you satisfied that the updated list of matters to be included in local authority reports to the court covers all relevant matters?

- 2.2. These proposals were broadly welcomed. For example, the Children's Commissioner for Wales particularly welcomed the inclusion of specific needs of siblings, focus on the child's current and future needs, and the requirement for the enhanced criminal record check.
- 2.3. However, some responses (particularly from LAs) thought that the specified matters should be more specific. Suggestions included:
- The assessment of a prospective special guardian's parenting capacity should additionally specify any gaps in the person's parenting experience, the person's experience of being parented and how they have parented their own children – Regulation 4(4)(i).
 - As well as taking into account the prospective special guardian's wishes and feelings in relation to contact between the child and relatives, also testing out the prospective guardian's understanding of future contact needs as the child grows up – Regulation 4(4)(k)(ne).
 - When making a recommendation as to what contact arrangements should be put in place, also include plans for dealing with future contact needs as the child grows up, how the special guardian will be supported to manage these, and how the arrangements will be monitored – Regulation 9(6)(c).
 - Expanding the assessment of the prospective special guardian's current and past relationship with the child and the child's parents, to include the person's place within wider family networks – Regulation 4(e)(fb).
 - Include the prospective special guardian's views on any training or support needs they may have now or in the future (e.g. on managing contact, understanding the effects of trauma, and attachment).

- Including contingency arrangements if the special guardian dies or becomes incapacitated.
- 2.4. There were calls for medical advisers (e.g. GPs) to assess the health of prospective special guardians, and for comprehensive mental health and well-being assessment to be carried out. Concern was expressed by some kinship carers that if a health assessment was not carried out by an objective professional, some older carers may be discriminated against. What mattered, it was argued, was not age but ability to look after the child.
- 2.5. A number of responses emphasised that these assessments needed to be holistic, and focus upon special guardianship as a permanence option for the child. It was suggested that assessments should be more in line with foster care and adopter assessments, with the same rigorous cross-checking. This was often linked to comments about the timescale for undertaking these assessments, especially in public law cases – an issue dealt with separately below.

Welsh Government Response

- 2.6. Our aim in amending the list of matters to be included in reports was to ensure that assessments of prospective special guardians would be more holistic and focused on special guardianship as a permanency option that would last until a child reach the age of 18. This would include a fuller consideration of any risk factors. Most of the suggested amendments were in keeping with this aim, and we have made a few changes where we believe the proposed wording improved upon the original.
- 2.7. It was certainly not our intention to discriminate against older applicants or prevent older family members such as grandparents from applying for SGOs. However, SGOs were specifically introduced as a new permanency option for children, providing a stable family environment until the child reached adulthood, and as such it is right that the ability and willingness of the prospective special guardian to care for the child in the longer term is tested at the assessment stage. The code of practice makes it clear that in making its decision the local authority should, where appropriate, ask whether the applicant could care for the child if sufficient support was put in place to help the arrangement succeed. Where necessary, this could include consideration of contingency arrangements should the special guardian's health deteriorate. Whilst an applicant's health is a factor to be considered in making the assessment (and is already concluded in the list of matters), we feel it would be disproportionate to introduce a system of medical advisers similar to adoption, as SGOs are usually a family ('kinship') arrangement.

- **Support for former looked after children**

Question 2 – Do you agree with the proposal to require a local authority which formerly looked after a child (immediately) before a SGO was made) to meet any special guardianship support needs for three years regardless of where the child is living?

- 2.8. The proposal to require a local authority which formerly looked after a child to meet any special guardianship support needs for three years after the SGO was made, was widely welcomed. It was felt that this would provide clarity and consistency, and would ensure that there was effective oversight during the initial three year period.
- 2.9. There were some reservations and queries. We were asked to clarify what would happen where the special guardian lived in another part of the UK, especially when the three year period was up. Clarity was also sought on what should happen where special guardianship support services had been assessed as necessary but the child was not looked after or previously known to the local authority, and where the special guardian lived in another area.
- 2.10. There was real concern that the new local authority may not provide the same level of support once the three year period was up, especially as the level of support was discretionary. It was emphasised that effects of adverse childhood experiences were likely to last rather more than three years. It was suggested that there should be robust monitoring of SGO support plans for children placed long distances. One response called for a clear handover protocol with timescales and review of needs at the time of transfer.
- 2.11. There were calls for a more holistic approach to support, linked more clearly to the well-being outcomes set out in the Social Services and Well-being (Wales) Act 2014.

Welsh Government response

- 2.12. We were pleased that these proposals were welcomed. The specific concerns raised were mainly practice issues, which we will consider in more detail with the SGO Technical Group. It is our intention to develop good practice guidance on out of area and cross-border placements for residential and foster care during 2018-19, and we will consider whether it is appropriate to incorporate SGO arrangements into this. It should be noted that the UK Government's Department for Education guidance on SGOs places similar requirements upon local authorities in England, so the arrangements for former looked after children in both countries should in principle dovetail neatly in respect of cross-border arrangements. We will, however, discuss this with DfE officials to ensure that consistent messages are disseminated to local authorities in England and Wales.

Question 3 – Do you agree that in these circumstances a local authority must review the special guardianship support services provided, and notify the local authority where the person lives of any continuing need for support?

- 2.13. This followed on from question 2, so the majority of responses were supportive of the proposal that as the three year period came to a close, the local authority which previously looked after the child should review the special guardianship support services provided, and notify the authority where the child was now living of any continuing need for support. For example, the Children's Commissioner thought that this proactive review of needs, and

notification to the area authority, should assist families to access the support they need when they need it.

- 2.14. Some responses expressed concern about what would happen if the receiving authority were unable or unwilling to provide the same level of support for the arrangement, and what the resource implications would be. One suggested that there should be flexibility for the two local authorities to work together during the three year period, especially in terms of access to local services and activities.
- 2.15. Concern was expressed that former foster carers who become special guardians could lose out if support packages come to an abrupt end. Some of these children have a need for therapeutic support in the same way of adopted and fostered children. If the needs of the child have not changed at the end of the three year period, then the support package should continue as if the child was still in local authority care.
- 2.16. Clarity was sought over which local authority would be responsible for providing support to 'category 5' care leavers in such cases. Category 5 care leavers are young people aged 18-21 who left care when a special guardianship order was made.

Welsh Government response

- 2.17. Although all local authorities work within the same statutory framework for SGOs, we are aware that there are differences in the level and type of support services available to special guardians and children in SGO arrangements across Wales. This is a practice issue which we will work with the SGO Technical Group to address. We would expect local authorities to work together and be flexible in meeting the needs of children and special guardians, especially where the child has moved to a new area, whether that child was formerly looked after or not. This message will be reinforced in the Code of Practice. This includes managing the transition in the run up to the end of the statutory three year period for supporting a former looked after child. The presumption should be that any continuing support needs will continue to be met, although there has to be some discretion for the new authority to meet those needs in a different way, especially if the SGO support services it provides for its own residents are arranged differently from those of the originating authority. In many cases it may be necessary (or good practice) for the two authorities to work together from the moment the child enters the arrangement – for example if the child or special guardian needs to access local services, or if they are living at some distance from the original local authority area.

- **Informing relevant people of their entitlement to ask for an assessment for support**

Question 4 – Do you agree that local authorities should have a duty to inform relevant people of their entitlement to ask for an assessment for special guardianship support services?

- 2.18. There was general agreement on this point. One local authority suggested that this was already good practice, and another suggested that this offer should be made not only at the initial stage but throughout the whole process, including ahead of any review of the arrangements.

Question 5 – Are there any other persons you think should be added to the list of prescribed people?

- 2.19. The list was generally thought to be comprehensive and thorough.

Welsh Government response

- 2.20. We are pleased with the general consensus on this point. The code of practice makes it clear that local authorities should keep in touch with special guardians, and where appropriate remind them of their entitlement to ask for an assessment of support services should their circumstances change.

- **Any other comments on the draft Regulations**

Question 6 – Are there any other comments you wish to make on the draft Special Guardianship (Wales) (Amendment) Regulations 2018?

- 2.21. The additional comments in response to this question tended to raise more general concerns, which overlapped to a large extent with comments on the draft code of practice and wider practice issues. As such they are included under questions 7 to 9 below.
- 2.22. Specifically on the draft Regulations, two responses suggested that there should be statutory provision for health assessments of children subject to special guardianship orders, and for the preparation of a long-term medical plan. It was suggested that we set up a system of medical advisers similar to that used in adoption cases.
- 2.23. It was suggested that provision should be made for former foster carers to continue receiving fostering allowances once they become special guardians, unless there is a significant change in their financial circumstances. Behind this lay a wider concern that former foster carers often lose out when they become special guardians, as support is withdrawn or reduced.

Welsh Government response

- 2.24. A response to the point about medical assessments and medical advisers was given in answer to Question 1 above. Our view is that it would be disproportionate to introduce a system of medical advisers similar to adoption, as SGOs are usually a family ('kinship') arrangement. Comments on the support available to former foster carers are covered in the response to Questions 8 and 9 below.

b) Code of Practice on the exercise of social services functions in relation to special guardianship orders

Question 7 – Are there any comments you wish to make on the draft Code of Practice?

2.25. Some responses made detailed comments or suggested amendments on the draft Code of Practice, which have been considered and where appropriate have been incorporated into the text. The majority of responses, however, made general comments about issues of concern which they felt should be addressed or dealt with differently or more fully in the draft code. These are outlined below.

- **Assessment timescales**

2.26. The timescale for assessments of suitability in public law cases was raised by several key stakeholders, including the Children's Commissioner, Cardiff University Centre for Health and Social Care Law, Association of Directors of Social Services, Association for Fostering and Adoption Cymru, and the Fostering Network. All had sat on the Technical Group which advised us on the draft regulations and code of practice, and this issue featured prominently during discussions in that group. This issue was also raised in a number of local authority responses.

2.27. It was pointed out that in private law applications, the local authority is given three months to undertake the assessment and report back to the court (specified in the Children Act 1989). However, deadlines for assessment in the public law cases are set by the courts, which work to the 26 week maximum timescale for concluding public law proceedings. In practice, this means that many local authorities have considerably less than 12 weeks in which to carry out these assessments.

2.28. The three month period takes into account the need to work with the family to ensure that they understand and are prepared for what they would take on as special guardians, and to ensure that any arrangement would be safe for the child. In public law cases, the local authority will already have some information about the family, but it is unlikely that they will know much about extended family members who come forward as potential special guardians. Local authorities will therefore need time to work with them and assess their suitability and potential support needs.

2.29. Although it was understood that the code of practice will only apply to local authorities and cannot 'bind' the courts and judges into taking particular actions, these stakeholders believe that the code could be strengthened further to support local authorities in the assessment period. It was felt that the draft code 'skated over' this issue.

- 2.30. In particular, attention was drawn to a case – Re S [2014] EWCC B44 (Fam) – in which the President of the Family Division (Sir James Munby) highlighted three scenarios where an extension beyond the 26 weeks would be ‘necessary’. One of these was an unexpected event, including ‘cases where a realistic alternative family carer emerges later in the day’. It was suggested that reference be made to this, as well as the fact that three months are given in private law applications and that longer periods are allowed for fostering and adoption assessments.

Welsh Government response

- 2.31. We acknowledge that this is an issue of considerable concern to local authorities. It was raised by the SGO Technical Group, which helped us review special guardianship arrangements in Wales, and has also been discussed with the family court judges at a Family Justice Network meeting. It is, however, for the judges to determine the timescales for court-ordered assessments as they see fit, within the overall Public Law Outline, and the code of practice can only place statutory duties upon local authorities in respect of their social services functions. It cannot fetter the discretion of judges in relation to their interpretation of the law as it applies to each individual case. We intend to add an additional paragraph to the code of practice drawing local authorities’ attention to the Public Law Outline and the particular case (Re S [2014] EWCC B44 (Fam)) which occasioned Sir James Munby’s opinion on possible extensions, to help local authorities understand the context within which the courts work.

• Viability assessments

- 2.32. It was suggested that the code references initial assessments (often known as viability assessments), which although not statutory are used by many local authorities to determine which members of a child’s family and friends network are a realistic option as potential carers. A good practice guide was produced by an expert working group convened by the Family Rights Group in 2017. It was also pointed out that most local authorities undertake a ‘unified’ assessment, whereby an assessment under the Special Guardianship (Wales) Regulations 2005 is undertaken concurrently with an assessment under the Fostering Services (Wales) Regulations 2003.

Welsh Government response

- 2.33. *A reference to viability assessments, and to the Family Rights Group good practice guide, has been added to the code of practice.*

• Transition / testing the arrangement

- 2.34. It was suggested that the code contains guidance on how local authorities can support the transition to a special guardianship arrangement, given that there is provision in legislation for a settling in period (as there is for adoption) or a period of monitoring.

Welsh Government response

- 2.35. As there is no statutory basis for a formal transition or settling-in phase for special guardianship, as there is for adoption, supporting a child to settle into the arrangement is a matter of good practice which we would expect local authorities to develop and implement locally. The code of practice requires the local authority to consider carefully what support might need to put in place to help consolidate and build up the relationship or best support the child to make the transition to their new home and family environment.

- **Outcomes**

- 2.36. The inclusion in the code of a table of outcomes for special guardianship arrangements, drawn from the UN Convention on the Rights of the Child and the National Well-Being Outcomes Framework, was welcomed. However, it was pointed out that no guidance or explanation was given as to how local authorities could integrate these into their policies and practice, or how they could measure success. Reference to these outcomes, and the duty to pursue them, should be woven into the chapter on support especially. It was suggested that the chapters on support should reflect more strongly the need for support to bring up the child, and achieve the well-being outcomes on preventing children living in poverty. This was prompted by a concern about the differing levels financial support being offered by local authorities across Wales.

Welsh Government response

- 2.37. We believe that how local authorities integrate rights-based approaches into their policies and practices, and how these are monitored, are practice issues for local authorities. The code of practice sets out the statutory framework within which they do this. We will, however, discuss with the SGO Technical Group the need for good practice guidance in this area.

- **Out of area arrangements**

- 2.38. It was suggested that the code should be strengthened to ensure that, where a special guardian lives some distance from the 'placing' authority, the two authorities co-operate to establish which services should be made available locally.

Welsh Government response

- 2.39. We have strengthened the code so that it includes a requirement for local authorities to work together in these circumstances, as appropriate.

- **Post-18 living arrangements**

- 2.40. One response asked for clarity as to whether there was an equivalent of 'When I am Ready' to support a young person to continue living with the special guardian post-18, and whether these young people were entitled to the support of a personal adviser.

Welsh Government response

- 2.41. We have clarified, in the chapter on leaving care, that young people under special guardianship arrangements are not eligible for the 'When I am Ready' scheme. However, there are other ways in which a local authority may support a former looked after child to continue to live with a special guardian after age 18, especially where the guardian was formerly the child's foster carer. Former looked after children who enter a special guardianship arrangement may be eligible for support as a 'category 5 young person' under the 2014 Act, and this may include the support of a personal adviser.

- **Advocacy**

- 2.42. One response suggested that advocacy should have its own section in the code.

Welsh Government response

- 2.43. References to advocacy are included in the text of the code as appropriate, and we do not consider that a separate chapter is necessary.

c) Other comments

Question 8 - Are there any other changes you think we should make, in regulations or in the code of practice, to improve the way special guardianship arrangements work in Wales?

Question 9 - If you have any related issues which we have not specifically addressed, please use this space to report them.

- 2.44. Many responses made additional points, which can be summarised under the following headings.

- **Financial support**

- 2.45. The main concern was with the amount of allowances to be paid to special guardians, and whether this should be consistent with the national minimum fostering allowances. Former foster carers, in particular, expressed concerns about whether the financial support would match the fostering allowance and fees they currently received, and how long this would be paid for. Local

authorities also expressed concern about the lack of clarity on the duration of allowances to former foster carers.

- 2.46. Many former foster carers who attended the consultation meetings organised by Children in Wales said that they lost out financially when they moved from being kinship foster carers to special guardianship. For example, they were no longer eligible for school uniform grants, and benefits such as Christmas and holiday allowances were removed. They also had to meet the costs associated with contact with birth parents, which had been met by the local authority when the child was looked after.
- 2.47. There were calls for a review of SGO allowances across Wales, and for work to harmonise payments between local authorities.
- 2.48. There were also uncertainties over funding when a special guardian lived outside of Wales (i.e. in cross-border arrangements). There were calls for guidance on this.
- 2.49. Another issue was financial help with legal costs, both for prospective special guardians and where a special guardian has to go back to court if there are issues with contact. This was felt to be a huge barrier for grandparents with limited fixed incomes and no access to legal aid.

Welsh Government response

- 2.50. We accept that there is a need to work towards greater harmonisation in the support and financial allowances provided to special guardians across Wales. The Welsh Government is working with its local government and other partners through the National Fostering Framework to harmonise fees and allowances for foster carers, and we acknowledge the need for a similar initiative in respect of SGO allowances. We will discuss this with the SGO Technical Group and include it in the group's work programme.

• Testing out period

- 2.51. A number of responses mentioned the fact that there was no 'testing out' or settling in period for special guardians in public law cases, whereas in private law applications residence is a requirement before an application is made. It was felt that there should be a realistic settling in period before a SGO was made, to test the viability of the placement.
- 2.52. One local authority even suggested that where there was no previous significant relationship between the proposed special guardian and the child, an application for a SGO should not be made until after the third LAC review (i.e. ten months) to help reduce the number of SGO breakdowns. Another authority suggested that there should be interim special guardianship orders.

Welsh Government response

- 2.53. Establishing a setting-in period, or interim SGOs, could only be achieved through amendments to primary legislation, and family justice (including court

orders) is a matter reserved to the Westminster Parliament. We have tried to ensure that the code of practice continues a strong message about the need for support as a child settles into a new arrangement, or to support the consolidation of an existing one.

- **Permanency planning**

- 2.54. The need for proper permanency planning was mentioned in some responses, to ensure that a SGO was the right permanence option for the child, rather than long-term fostering. The concern was that there are different standards in relation to looked after children where they are placed for adoption or long term fostering as opposed to where they are being placed in SGO arrangements.

Welsh Government response

- 2.55. SGOs were introduced as a way of ensuring that children are cared for up to the age of 18, and the fact that these orders are increasingly being made in respect of younger children is one of the key reasons for adding to the list of matters in the regulations. SGOs are, however, different from fostering and adoption, in that the child is not looked after. If the local authority considers that looked after status would be better for the child, then other options such as long-term fostering should be considered. We have strengthened the code of practice to emphasise that local authorities must be satisfied that a special guardianship arrangement would be the best permanence option for caring for a child.

- **Former foster carers**

- 2.56. The Fostering Network raised a particular concern about how special guardianship arrangements were working for former foster carers. It was clear from calls to the fostering helpline that some foster carers feel they have been put under pressure to commit to a SGO, and have been given a very short period of time to make a decision. There is a suspicion that some local authorities are using SGOs to reduce the number of looked after children. For example, some independent reviewing officers (IROs) are reported to have raised the issue at a child's LAC review without any previous discussion with the foster carer. There are also reports that some local authorities have threatened to remove a child from the placement unless the foster carer agrees to apply for an SGO. The Fostering Network reported a growing concern that some local authorities have made it standard practice to encourage all foster carers with long-term placements to consider SGOs, rather than taking a child-centred, case by case approach.
- 2.57. To counter this, the Fostering Network would like to see the provision of independent advice to foster carers who are being asked to consider becoming special guardians, to ensure they fully understand the implications. They need detailed information about the support and allowances they will receive now and in the future.

- 2.58. By contrast, one local authority suggested that they should have the right to apply to the courts to discharge the care order, where the local authority deems a SGO would be more suitable, and where the carer is refusing on the grounds of finance.

Welsh Government response

- 2.59. We have strengthened the code of practice to require local authorities to ensure that foster parents receive appropriate information and advice to help them make a decision, including information about the support and allowances they can expect to receive when the special guardian order is made and as the child grows older. We have also referenced the need for independent advice, where appropriate.

- **Independent advice**

- 2.60. It was suggested that prospective special guardians should be able to access independent advice, as a social worker's role is to act in accordance with the child's care plan. New special guardians also need independent support from someone other than the social worker, to ensure a good transition.

Welsh Government response

We have mentioned in the code the need for special guardians and prospective special guardians to have access to independent advice, where appropriate.

- **Assessments**

- 2.61. There were calls for a consistent approach to assessment, for clarity in relation to assessing risk, and guidance on what tools local authorities use to assess non-parents. SGO reports need to be informed by best practice from fostering and adoption assessments when considering SGO as a permanence option.

Welsh Government response

- 2.62. These are primarily practice issues, and we will ask the SGO Technical Group to consider these as part of a wider programme of work to support special guardianship arrangements.

- **Support**

- 2.63. There were calls for support to special guardians needs to be consistent with that made to adopters, as both sets of carers are essentially dealing with the same group of children. This is especially the case where a child is not already living with the prospective special guardian.

- 2.64. Types of support mentioned were: annual monitoring and review of the arrangements; link workers for SGO families; consideration of training and support needs; confirmation that the necessary safeguarding restrictions are in place; and a timely response and support to avoid placement breakdown. One response asked what the recommended visiting requirements were where a support plan is in place.
- 2.65. It was noted, even by some local authorities, that SGO support services are inconsistent and underdeveloped comparative to those provided for foster carers and adopters, and require priority and investment. Educational support was specifically mentioned, as this can drop off once a SGO has been made and schools are not notified when children are living under a SGO. It was also suggested that all SGO children should have life story work before the order is made, and that special guardians should have training to help share that life story work the children.

Welsh Government response

The issue of inconsistent approaches and levels of SGO support across Wales is one that we will explore further with the SGO Technical Group. This will include the possibility of commissioning work on levels of support (including financial support) during 2018-19, similar to work that has already been undertaken for fostering under the National Fostering Framework.

- **Contact**

- 2.66. It was suggested that special guardians should have a statutory right to ongoing support in managing contact with birth parents and other relatives where required. The birth family may also need ongoing support to manage contact successfully.

Welsh Government response

Support with managing contact is one of the special guardianship support services for which the special guardian and the child may be assessed. The code of practice states that this can include training and support (including mediation and contact centres) in how to deal with any issues or conflict that may arise.

- **Notifications**

- 2.67. It was suggested that there should be a system for notifying other local authorities when a special guardian moved area.

Welsh Government response

The code of practice already requires local authorities to notify another local authority when a special guardian moves area, and we will consider whether this needs to be made more clear in the code.

- **SGO disruption**

- 2.68. A number of responses raised the issue of SGO arrangements breaking down. There was a call for research into the circumstances in which SGO arrangements end, in order to inform practice. It was thought that the code of practice lacked emphasis on mediation, disruption meetings or restorative practice, especially during the teenage years. It was also noted that there was no systematic tracking of outcomes or educational attainment of children and young people in SGO arrangements.

Welsh Government response

- 2.69. The SGO Technical Group considered the available data and research into SGOs in Wales, as well as material from the review commissioned by the Department for Education in England, as part of the review which led to this consultation. We will discuss with the SGO Technical Group the need for any further research into outcomes and into SGO disruption / breakdown.

- **Post 18 support**

- 2.70. There were two issues raised about post-18 support for young people in special guardianship arrangements. Former looked after children are entitled, in certain circumstances, to support as 'category 5' care leavers, but young people who were not previously looked after (but who would have been if the SGO had not been made) were not. Also, former foster carers who had become special guardians were particularly concerned that they would not receive support from the 'When I am Ready' scheme once the young person turned 18.

Welsh Government response

- 2.71. The 'When I am Ready' scheme is currently only open to young people in foster care who wish to continue living with their foster carers whilst they continue to prepare for independent living. There is a duty within the Social Services and Well-being (Wales) Act 2014 to facilitate these arrangements. The Welsh Government is currently considering how best to extend the principles of 'When I am Ready' to children in residential care. There are no plans to extend the scheme to young people in special guardianship arrangements, as these are not placements for looked after children and are usually arrangements made within the extended family. However, local authorities do have powers to support vulnerable young people with accommodation through schemes such as Supported Lodgings, and we would expect them to discuss these, as appropriate, in the context of the overall support and advice they provide for young people in special guardianship arrangements. We have strengthened the chapter on 'Leaving care' in the Code of Practice to reinforce this point. We have also made it clear that local authorities should make foster carers aware that they will not be eligible for 'When I am Ready' if they become special guardians, but that there are other potential options for supporting the young person as they prepare for more independent living from age 18 onwards.

Annex A - List of responses

No	Confidential Y/N	Name	Organisation
1	N	Mrs Angela TH Jones	Marchant Harries Solicitors
2	Y		
3	N	Pamela Phillips	
4	N	Paul Phillips	
5	Y		
6	N	Mr R W Ebley	
7	N	Christie Ryder	
8	N	Ian Monks	
9	N	Sue Annett	Pembrokeshire County Council
10	Y		
11	N	Craig Macleod	Flintshire County Council
12	N	Professor Sally Holland	Children's Commissioner for Wales
13	N	Iain McMillan	Bridgend County Borough Council
14	N	Irfan Alam/Laura Harper	Cardiff Council
15	N	Dr Teyrnnon Powell	Betsi Cadwaladr University Health Board
16	N	Angela McErlane	Monmouthshire Council
17	Y		
18	N	Deborah Smith	Kinship Care Practitioners Network, Children in Wales
19	N	Deborah Smith	Monmouthshire Special Guardianship Support Group
20	N	Deborah Smith	Port Talbot Special Guardianship Support Group
21	N	Deborah Smith	Swansea Kinship Care Support Group
22	N	Deborah Smith/ Bernadette Byrne	Consultation Event – Newport
23	N	Carol Walker	Conwy County Borough Council
24	N	Colin Turner	The Fostering Network
25	N	Deborah Jones	Voices from Care
26	N	Dr Julie Doughty	Cardiff University, Law Society of England and Wales, Association of Fostering and Adoption Cymru.
27	Y		
28	N	Paul Pavia/Dave Street	Association of Directors of Social Services Cymru
29	N	Peter Orford	Torfaen County Borough Council
30	N	Sarah Capstick	Cardiff Third Sector Council
31	N	Sarah Coldrick	Association of Fostering and Adoption Cymru
32	N	Dr Ewoud Bos	Betsi Cadwaladr University Health Board
33	Y		