

## **Report on Care Proceedings Ending and Special Guardianship Orders Granted during Q1 and Q2 2023**

### **This report gives an overview of the outcome of court proceedings and those ending in Special Guardianship Orders during Q1 and Q2 2023:**

Special Guardianship Orders will also be referred to as "SGO" throughout this report.

A Special Guardian is usually someone with a close relationship to the child, such as a family member, former foster carer or family friend. They apply to the court who consider their suitability and the child's needs, based on a report from the local authority. Special Guardianship is a formal court order which places a child or young person with someone permanently and gives this person overriding parental responsibility for the child. Special Guardianship means that the child lives with carers who have parental responsibility for them until they reach 18. If the child was looked after before the Special Guardianship Order was granted, they will no longer be the responsibility of the local authority.

Why apply for a Special Guardianship Order?

A Special Guardianship Order has several potentially positive effects:

- it gives a child the security of a long-term home.
- the child's birth parents retain shared parental responsibility.
- it gives the Special Guardian day-to-day control (jointly, if there are several Special Guardians)

Unlike adoption, a Special Guardianship Order will not remove parental responsibility from the child's birth parents. This means that the Special Guardian will have responsibility for the day-to-day decisions as well as all the important decisions about the child or young person but will need to consult the birth parents at times where key decisions are being made such as changing their name, moving overseas or agreeing adoption.

Child Arrangement Orders provide a legal framework for living arrangements of children with their parents or another carer. Parental responsibility remains shared between parents, but the order provides details of where a child should live and how their family time should be planned. This order can be made at the conclusion of care proceedings when the plan is for the child to remain with a parent but can also be used to place a child with a family member and can grant parental responsibility to that family member.

Interim Care Orders are made by the court during care proceedings where the local authority share parental responsibility with the birth parents. This is an interim order whilst assessments are undertaken as part of the court process to determine what the final care plan for the child will be. Children on Interim Care Orders will be children in care.

Care Orders allow the local authority to share parental responsibility and to make decisions that are in the child's best interests. A child subject to a care order will be a child in care, will be subject to reviews and will have an allocated social worker until such time when the child reaches adulthood, or the order is discharged.

The care orders which have been labelled as 'kinship placements', the children live with a member of their family or network and the kinship team completed a full assessment which may have recommended that the carer needed the ongoing support as a Connected Foster

Carer or the carer has stated that they do not want a Special Guardianship Order. Connected Foster Carers can always reconsider whether they wish to apply for a Special Guardianship Order at any time and this is considered annually. For some carers and children, it is entirely appropriate that they continue to be Connected Foster Carers as they may need additional support with children's complex need and/or complex family time arrangements.

Section 20 this is where children come into our care where there is agreement to this arrangement by those with Parental Responsibility. We can ask a parent for their child to come into our care or they can ask us to care for their child. Those with Parental Responsibility can withdraw their consent at any time. We are encouraged by the court to always consider the lesser order and some children can be in court proceedings under Section 20 arrangements. Section 20 arrangements can also be long term where appropriate.

Regulation 24 is where connected carers are approved as temporary Connected Foster Carers following an initial viability assessment. They then progress to a full fostering assessment. Many connected foster carers have both a full fostering assessment and Special Guardianship Order assessment undertaken at the same time.

We had 44 sets of care proceedings concluding in Quarters 1 and 2 of 2023.

9 sets of care proceedings involved sibling groups of 2 or more children.

2 sets of care proceedings resulted in siblings being made the subject of different orders. For one sibling group this enabled the stepfather to care.

3 care proceedings were issued as a result of a breakdown of existing Special Guardianship Orders granted within previous care proceedings.

The Orders we applied for:

<b>Order</b>	<b>Applied for</b>	<b>Obtained</b>
Child Arrangement Orders	2	3
Care Orders	17 (5 kinship placements)	17
Care and Placement Orders	8	8
Special Guardianship Orders	10	9
Supervision Order	10	12
No Order	1	2

The kinship team also completed 13 full Special Guardianship assessments which did not result in a placement with the relevant family member. Of these 13 full assessments:

- 2 were negative (one child being made subject to a Full Care Order and in foster care, the other child was adopted).
- 6 children remained or returned to the care of their parent/s.
- 5 recommended Full Care Orders with Connected Foster Carers.

During the period Q1 and Q2 of 2023, a total of 16 Special Guardianship Orders were granted for 23 children.

Total granted in Q1 = 6

Total granted in Q2= 10

**Q1 (April – July 2023)**

<b>Child age at time SGO granted</b>	2 years 7 months	2 years 2 months	3 years 3 months	4 years 6 months	3 years 5 months	14 years
<b>Date SGO granted</b>	05/04/2023	06/04/2023	25/05/2023	07/06/2023	19/07/2023 via private law application	14/07/2023 via private law application
<b>Child prior to SGO CLA</b>	Yes- ICO	Yes - ICO	Yes – section 20	Yes	No	No
<b>Care proceedings</b>	Yes	Yes	Yes	Yes	No	No
<b>Pre-proceedings</b>	-	-	-	-	Yes	No
<b>Guardian relationship</b>	Paternal grandmother	Maternal grandmother	Maternal aunt & uncle	Step-father	Maternal Grandparents	Private Foster carer/grandmother of child's paternal half-sister
<b>Guardian Reg.24 approved</b>	Yes	Yes	Yes	Yes	No	No
<b>Other assessments</b>	No	No	No	Yes – 1 other VA and 1 other full assessment	No	No

**Commentary:**

Of the SGO's granted in Q1, 1 was a private law application for a child (aged 14) who had been in a long-term Private Fostering arrangement, and not subject to care proceedings/pre-proceedings.

Of the other 5 SGO's granted in Q1, they were as part of pre-proceedings or care proceedings. 5 children were under the age of 5 years.

Of the 6 SGO's granted, 3 were made to maternal family. Two of the SGO's were granted to maternal grandparents, while the third were to a maternal aunt and uncle. The other 3 were made to paternal grandmother; a step-father and with regards

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to the private foster carer, the carer was not biologically related to the child but was the paternal grandmother of child's half-sibling.

Of the 6 SGO's granted, in 4 situations, the children were subject to care proceedings and were Children in Care prior to the SGO being granted. In those cases, their Special Guardians were initially Regulation 24 approved foster carers for them.

In respect of 1 child, the SGO assessment was undertaken as part of pre-proceedings and secured via a private law application supported by the LA.

**Q2 (August – October 2023)**

<b>Child's age at time SGO granted</b>	12 years 6months  11 years 5 months  8 years	1 year 10 months	7 months	2 years 7 months	2 years 6 months	1 year 7 months	13 years  17 years	16 years 13 years 11 years 9 years 6 years	2 years 4 months	8 months
<b>Date SGO granted</b>	03/08/23	10/08/23	23/08/23	29/08/23 – private law	05/09/23	05/09/23	11/09/23	12/10/23	25/10/23	17/10/23
<b>Child CLA prior to SGO</b>	Yes	Yes	Yes	No	Yes	Yes	No	Yes- long term Section 20	Yes	Yes
<b>Care proceedings</b>	Yes	Yes	Yes	No	Yes	Yes	No	No	Yes	Yes
<b>Pre-proceedings</b>	No	-	-	No	-	-	No	No	-	-
<b>Guardian relationship</b>	Maternal grandmother	Paternal aunt	Maternal grandparents	Maternal grandmother	Paternal aunt & partner	Maternal grandmother	Mother's ex-partner	Maternal grandparents	Maternal aunt	Maternal uncle & partner

							(mother deceased)			
<b>Guardian Reg.24 approved</b>	Yes- but not fully approved.	Yes	Yes	No	Yes- then fully approved	Yes	No	Yes, then fully approved	Yes – then fully approved	Yes- then fully approved
<b>Other assessments</b>	Yes- VA and full assessment of paternal grandparents.  Positive VA of maternal great aunty but did not have full assessment	Yes – positive assessment of paternal grandmother as fully approved foster carer.	Yes- a positive VA was completed but not progressed	No	No	No	No	No	No	VA of paternal grandmother to progress to full assessment – withdrew before full assessment commenced.

### **Commentary:**

In Q2, 10 SGO's were granted for 17 children (sibling group of 5; sibling group of 3; sibling group of 2).

2 SGO's were not Children in Care and not subject to care or pre-proceedings. They were private law applications, although it is noted that the children were open to Children's Services.

14 of the children were Children in Care prior to SGO being granted and were placed in the care of family members who became their Special Guardians, of these 9 were subject to Interim Care Order's as part of care proceedings.

The sibling group of 5 were Children in Care, but not subject to proceedings. They had been accommodated under Section 20 since 2018, with a SGO secured via a private law application supported by the Local Authority.

Of the total SGO's granted, 8 were made to maternal family (5 maternal grandparents, 1 maternal aunty, 1 maternal uncle, 1 mother's ex-partner). 2 SGO's were made to paternal family (1 paternal grandmother and 1 paternal uncle).

With regards to the ages of the children where SGO was granted in Q2, 7 were under the age of 3 years. The other 10 children were the two-sibling group who ranged in ages from 17- 6 years.

### **Key points from Q1 & Q2**

A total of 16 SGO's were granted for 23 children. 10 children were part of three sibling groups.

Of the 16 SGO's granted, 11 were made to maternal family

Of the 23 children, 11 (50%) were under the age of 4 years. The youngest child was 7 months old.

The oldest child made subject to an SGO was 17 years old (part of a sibling group).

Of the 23 children, 18 (78%) were Children in Care prior to the SGO being granted.

All of those 18 children who were Children in Care prior to SGO being granted were placed with the family members who were subsequently granted an SGO.

### **Other assessments**

During Q1 & Q2, the Kinship Team undertook other assessments as part of proceedings, that did not result in SGOs being granted. The outcomes for these cases varied and included Adoption, Care Orders, Supervision Orders and CAO's. For some children and sibling groups we are required to assess a number of family relatives, who may be able to care for the children as part of permanence planning and as contingency plans. We encourage families to agree who is best placed to be assessed but this is not always possible, and we have multiple carers putting themselves forward. Those being assessed can decide they no longer want to be assessed, change their minds or are not assessed as suitable and we need to ensure the child is matched with the most suitable carer.

These additional assessments included 24 viability assessments and 23 full assessments.

The report highlights the volume of assessments completed that do not end in an SGO as part of court proceedings. This report will be shared with the Wiltshire Family Justice Board as part of our continued partnership working with the judiciary and the Children and Family Court Advisory and Support Service (CAFCASS).

Nationally over the last nine years Special Guardianship Orders have increased from 11% in 2014/15 to 13% in 2021/22, this is also mirrored in our statistical neighbours where there

has been a similar increase from 9% in 2014/15 to 14% in 2021/22. In Wiltshire, the percentage ending with an SGO in 2014/15 was 13%, reaching 21% in 2021/22 on an upward trend. In 2022/23 at 11% rising to 23% in Q3. We are confident through a number of measures that our care planning for children is sound, with the court endorsing our plans at the end of care proceedings, which is why we know the number of children with a plan for SGO is the right number.

In the same period nationally there has been a gradual decline in adoption being the outcome from 17% in 2014/15 to 10% in 2021/22. This is also mirrored in our statistical neighbours' figures where the decline was from 17% in 2014/15 to 12% in 2021/22. In Wiltshire, with the exception of two years where the % has been above 20% (2016/17 and 2018/19), the rate has remained stable, ranging between 12% and 14%. In the latest reported year (2021/22) our rate was 14% and this has decreased slightly in 2022/23 to 11%. This demonstrates that we are still able to achieve adoption for the children requiring it.

We have 16% of our children in care placed with Connected Foster Carers just below our target range of 17% to upper limit of 21%. There is no other national or local comparison data for this measure, but we have seen a steady increase of 3% from 13% in Q1 2022/23. Our recent Ofsted Inspection found: "Rigorous panel processes support the recruitment of prospective foster carers and adopters. Foster carers and connected person carers receive high levels of support and have access to a wide range of formal and informal support networks. They are well supported in their roles and provided with extensive training that helps them to provide consistent and nurturing care to children. They help children to make much-needed progress".

Overall, this highlights that out of 44 sets of care proceedings cases 10 or 23% concluded with children remaining within their extended families under Special Guardianship Orders. Of the 44 sets of proceedings the court granted 97% (43) of the final orders we requested. There will be increased focus on placements of children under Special Guardianship Orders and Connected Foster Carers as part of the governments Stable Homes Built on Love reforms as we know that children progress well achieving good outcomes when placed within their extended families and anticipate we will see increases in numbers of SGO's and Connected Foster Carers and our targets will be reviewed as part of our service planning. We will consider amalgamating this information into other annual reports already in place to enable a fuller overview of permanence for children and young people, as reflected in the strategy.

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