

Report to Cabinet



Date of Meeting	1 December 2020
Portfolio	Cabinet Member for Children's Services
Report Author	Monitoring Officer
Public/Private Document	Public

Special Guardianship Support Policy

Executive Summary

1. Members will recall the findings of the Social Care and Local Government Ombudsman (SCLGO) reported to Cabinet earlier this year when he made a finding that a special guardian had suffered injustice as a result of the Council's Special Guardianship Support Policy (the Policy). The SCLGO also recommended, and Cabinet agreed, that the Policy be reviewed and consulted on. That process is now complete and requires an adoption decision from Members.

Recommendation

2. That the Special Guardianship Support Policy is approved.

Reason for Recommendation

3. The Council is required to adopt a legally compliant Policy.

Key Points for Consideration

- 4.1 Late last year, the SCLGO published a finding of maladministration against the Council in respect of the Policy. The Ombudsman concluded that the Policy was contrary to the relevant statutory guidance to which it must have regard and to the principles established in case law. In particular the Policy did not reflect that a child's financial needs increase as they get older, and should be structured so as to include age bandings linked to the level of allowance payable rather than freezing payments at the level being received at the time the Special Guardianship Order was granted.
- 4.2 The SCLGO made other recommendations to the Council which were fully or partially accepted by Cabinet. These included compensation to the

complainants with respect to the payments they would have received had the Policy been compliant. A capped compensation scheme was established to compensate other affected Special Guardians.

- 4.3 Cabinet also agreed to consult on a new Policy. This took the form of a targeted engagement with those in receipt of an Allowance, or who were starting to engage with the system and may be eligible to receive an allowance in the near future. The consultation period lasted 5 weeks. No responses about the Policy changes were received.
- 4.4 The final version of the Policy is appended to this report, for approval by Cabinet.

Alternatives Considered

- 4.5 There are no alternatives recommended.

Costs and Budget Summary

5. The projected costs for SGO payments in 2020/2021 is £927,000 and is included within approved budgets.

Risk and Policy Implications

6. Failure to adopt a compliant Policy will put the Council at risk of legal challenge and further complaints to and findings by the Ombudsman.

Consultation

7. Special Guardians.

Background Papers

Place of Inspection

8. The Policy document appended to this report
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