

Special Guardianship Orders



A **Special Guardianship Order (SGO)** places a child in the care of someone other than their parent and gives the Special Guardian Parental Responsibility (PR) which he/she can exercise to the exclusion of anyone else who holds PR. In other words, PR is not shared equally – the Special Guardian has the exclusive final say in all decisions relating to the child, subject to any other court orders made in relation to the child (e.g. in relation to contact).

SGOs were originally intended to provide an alternative for older children as a legally secure solution between adoption and long term foster care. However, they are often sought in relation to young children who are placed within the extended family, particularly during care proceedings. As the number of orders sought has increased, a number of challenges have been identified, in particular:

- The quality of assessments
- The time allowed for completion of assessments within the public law court timescales.

Before an SGO can be granted, the Local Authority must complete an assessment of the proposed carer/placement: these assessments have been strengthened under new regulations following a review conducted in 2015. In order to try and secure better quality assessments, they must now include consideration of the following:

- Any harm that the child has suffered and any risk of future harm posed by the child's parents, relatives or other relevant person;
- An assessment of the prospective special guardian's current and past relationship with the child;
- An assessment of the prospective special guardian's parenting capacity including:
 - Their understanding of, and ability to meet the child's current and likely future needs, particularly, any needs the child may have arising from harm that the child has suffered;
 - Their understanding of, and ability to protect the child from any current or future risk of harm posed by the child's parents, relatives or other relevant person, particularly in relation to contact between any such person and the child;
 - Their ability and suitability to bring up the child until the child reaches the age of eighteen.

N.B. The Court can make an SGO even if the local authority do not support the application.

Do not assume that because a child is placed under a court order, everything must be ok –

'Professionals should treat court decisions for what they are; a legal finding not a manifestation of truth'. (Derby SCB SCR DD12 – Feb 14, Sutton SCB SCR Child D – April 15)

If you are working with a family where a child is placed under an SGO and you have concerns about the welfare of that child, you **MUST** maintain your professional curiosity and follow your agency policies and multi-agency procedures.